

690
S.S.
California Legislature

TRANSCRIPT OF PROCEEDINGS,
SUBCOMMITTEE ON POLICE ADMINISTRATION

February 18, 1958,
Farm Bureau Building
El Centro, California.

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No Exhibits

. . . A public hearing of the Assembly Interim Committee on Judiciary, Subcommittee on Police Administration, was convened at 10:00 a.m., Tuesday, February 18, 1958, in the Farm Bureau Building, 1000 Broadway, El Centro, California, Assemblyman George G. Crawford, Chairman, presiding . . .

CHAIRMAN GEORGE G. CRAWFORD: The meeting of the Assembly Subcommittee on Police Administration and Narcotics will now open. I would like to take this opportunity to introduce the members of the Subcommittee. At the far right is Assemblyman Richard Hanna from Westminster who, although not a member of this particular subcommittee, was invited to sit in with this committee. Next to him is the Honorable John O'Connell from San Francisco; next to him is the Honorable Howard Thelin from Glendale; to my immediate right is Mrs. Williams, Assemblyman House's secretary who has kindly consented to serve as our secretary today. To my immediate left is Bob Cook, committee consultant; to his left is Assemblyman Leverette House, and to his left is, of course, Senator Bill Beard.

I wish to take this opportunity to thank both Assemblyman House and Senator Beard for the cooperation they have rendered to this committee in preparation for this hearing. I believe, and I think the Committee will confirm what I have to say, that the people in Imperial Valley are to be commended upon the fine choice of representatives they have elected to represent them in Sacramento. Both of these men are noted for their devotion to duty in Sacramento, their promptness in appearing at committees, their devoted detail in representing their districts to the best of their ability. In particular, of course, I have more knowledge of Assemblyman House since he is a colleague. I do not believe there is a man who is better liked in Sacramento, nor who can get more for his district, not only because of this ability as an Assemblyman, but because of the way that he is so liked. I hope that the people in the Imperial Valley will return these gentlemen to serve with us in Sacramento.

Mrs. Williams will read the Resolution which sets up the authority for this committee to hold a hearing.

MRS. RUTH WILLIAMS: House Resolution No. 224, relative to constituting the Assembly Standing Committee on Judiciary, an interim committee. (SEE HR 224 FOR CONTENTS OF RESOLUTION)

CHAIRMAN CRAWFORD: Thank you, Mrs. Williams. Needless to say, our committee today will primarily concern itself with the use, the sale, possession, and transportation of narcotics, narcotic addictions, prevention and treatment thereof, means of enforcement of narcotic laws, and penalties for violation thereof.

Our first witness will be Thomas M. Thomas, Captain, Imperial County Sheriff's Office, who will testify in regard to the problems affecting this particular area. Captain Thomas, will you please identify yourself for the record?

THOMAS M. THOMAS
Chief Deputy
Imperial County Sheriff's Office

CHAIRMAN CRAWFORD: Before you commence your testimony, Captain, is it true that the Superior Court of this County recognizes you as an expert in the field of narcotics and dangerous drugs?

MR. THOMAS: Yes, on some of the narcotics, but that wouldn't include all of them.

CHAIRMAN CRAWFORD: Would you tell us in particular?

MR. THOMAS: It recognizes I am an expert on marijuana, particularly; that resulted from a case in 1952, Jones v. the United States at Camp Joseph (Oklahoma).

CHAIRMAN CRAWFORD: Thank you.

MR. THOMAS: I have been asked to talk to you generally about everything in narcotics, and I hope, then, some of you will ask me some questions. We don't have the same problems down here, or in Imperial County, that they have in some of the larger cities, because I think primarily the people in our type county, or our size county, are more familiar with the police officers than that they would be in a large city. We will have to abide by the same types of court decisions, the same court decisions that they have in the larger cities, and to briefly name the four that are giving most of the narcotic enforcement officers a bad time - first, the Cahan decision; second, the Rochin decision; third, the Lawrence decision; and fourth, and most recent, the Priestly decision, which is still being appealed and still being talked and written about.

The Cahan decision came about, as you all are probably aware, as a result of a bookmaking case, and if you people wish, I can give you the necessary books in the event you care to look them up. The Cahan decision, as I say, was a bookmaking decision and I think it has since been found that the decision of the court is being upheld, that it was a legal search and seizure, and we have almost gotten around the Cahan decision. But the bad thing about it is, it was a bookmaking situation and as a result the Narcotic Enforcement is paying the penalty for it.

Secondly, was the Rochin decision, and I am speaking entirely for myself now, I somewhat go along with the opinions of the courts, and it wasn't very well handled. I don't think the narcotic officers made the necessary investigation, or the proper investigation, before they went in like gangbusters and arrested Rochin and, subsequent to his arrest, of course, it was the stomach pump operation when he was taken to the county hospital facilities in the City of Los Angeles. His stomach was pumped, and as a result, we found the two caps of heroin.

The third one was the Lawrence decision, and that is the one that more or less put the monkey on our back, because, as a result of it, it is becoming more and more necessary that we reveal the source of our information.

In narcotics it is an entirely different field than burglary or automobile theft, or something of that sort. Where a taxpayer has been injured or hurt or had something taken away from him, you have

the taxpayer call you on the telephone, requesting an officer, and he in turn will report the theft or the burglary or whatever it may be. In narcotics, you are dealing entirely with informants. I showed your investigator, or consultant, about six months' records of our daily reports, and they would number into the thousands in that six month period. There wasn't at any one time where anyone called on the telephone and reported John Doe was using narcotics, or that John Doe had narcotics in his possession and was going to transport them. I am saying "John Doe", accepting John Doe as a citizen. There were times when the phone did ring and it would be an informant, of course, who called.

We have gotten around the Lawrence decision somewhat, particularly in our buys whereby it used to be that an informant could go in, shake a man down, search him and make sure he had no narcotics of any sort on his person, give him bills from which the serial numbers had been taken, let the man make a narcotic purchase, observe the purchase, and then go ahead and arrest both parties; and someplace along the line, release the informant. And we got by like that, and as a result of the Lawrence decision, it made it necessary that we let the informant make a purchase in the presence of an officer, and we have subsequently since had to make 4, 5, or 6 purchases with the officer in order to completely cover the informant and then make the arrest on the last one or two purchases in order to avoid having to bring the informant in front of the courts.

The Priestly decision, which is the last decision, or the last one that is giving law enforcement a bad time. It seems we haven't gone far enough in trying to conceal the identity of the informant. The Priestly decision holds we must reveal the source of information. In line with the Lawrence decision, they made an arrest and just briefly the case is something like this - they shook the man down, the informant, and were absolutely sure he had no narcotics on his person, gave him money that was in turn marked or they had the serial numbers from it; let the man go into a room and at that time he purchased \$201 worth of heroin or morphine. When the man came out, he was again searched; they found he did have the narcotic heroin, or morphine, and that was in December.

On January 19 they again went through the same operation and had the man go into the room. This time I think he had \$203. The operation was a little bit different in that he couldn't go up to the house. I think preceding all this was a telephone conversation where he asked the defendant if he was holding, the defendant said yes. He asked if he might score, the defendant said yes, and he said, "I'll be up" and he went up.

Of course, the transaction took place within the confines of the defendant's room. He came down the second time he bought. It was in the presence of narcotic officers; they arrested the defendant; they found some of the marked money in the dresser or little end or nighttable by the defendant's bed; he was taken to jail; subsequently taken through justice court and the superior court, tried, and during the superior court trial, he held that he should be allowed to see or confront the informant, the person who had fingered him.

At the particular time, the informant was incarcerated at either Chino or San Quentin, I am not sure where, but he was brought out,

put on the stand, denied ever having made any of the purchases, denied any association with the defendant whatsoever, and as a result, the state had a very poor case to attempt to prosecute, because he was their main source of information, the minute he denies ever having participated.

If we have to continue revealing the sources of our information, we are going to die on the vine. We can't begin to affect an arrest without getting information, and if the informant can't trust the officer that he is dealing with and go on the officer's word that he won't be made to testify, the sources of our information are going to just begin disappearing and they won't come back. There are instances where informants have been badly beaten - I don't mean just about the head and shoulders, I mean there have been some cases, prior cases, with the result of having informed and the information getting to the defendant and the defendant, in turn, has connections and if he doesn't make them on the outside, he makes them when he is in San Quentin, and then the guy is subsequently worked over. We have had that happen here in the county.

The average type narcotic case - well, with this one I am quite familiar. We worked it with the Brawley police department. We had information that the person living in the City of Brawley in Imperial County, was the largest connection in Southern California for persons who were coming from Fresno or Bakersfield or some of the northern cities.

In order to score or to connect for narcotics in Mexico, it was necessary that you first contact this man and he made the necessary arrangements, and that he, himself, dealt in narcotics. The observations went on for a period of about five or six months. We were never able to buy from him and, as I said, at that period of time we had two or three different state agents and the man just wouldn't sell to them. They got to the point where, in order to sell, you had to first "fix" in his presence. In other words, you had to take a narcotic injection in his presence before he would believe that you were using narcotics and then he would sell to you. Well, the best narcotic officer in the world isn't going to use narcotics to make a case, and you can't blame him very well.

Anyway, as a result of our investigation at six o'clock in the morning of the fourth of July, we set off for a fourth of July celebration in Brawley. We went into this fellow's house from all three doors like gangbusters. The information would be that narcotics were there. They were in the bathroom concealed under the bathtub. If you can appreciate this - going in the three doors at the same time; the defendant was in bed; we had a search warrant. The person was asleep. Still in the short period of time, I am sure it didn't take over 30 or 40 seconds, to go through the front door, the defendant was out of bed, beat me going through the livingroom, was around the corner into the hallway and was heading for the bathroom, and that was where we apprehended him, on his way into the bathroom. We found the narcotics; he, of course, denied any knowledge of them. We went to court and the defense didn't deny that there were narcotics, the defense didn't deny that they were in the man's house, didn't deny anything like that at all. The contention of the defense was simply the manner we used in going into the man's house.

Now, had we gone up to the front door and knocked, showing our search warrant, asked permission to go in the house, at that point it would have been fine. Then we should have invited him for coffee, and come back to the office because we wouldn't have made the arrest. It wouldn't have gone. The man had been operating since 1953, when he had been released from the institution at Chino for possession of narcotics. He had been operating every day of his life since then, and he had built up a clientele that extended from one end of California to the other. He had a pair of field glasses, a 45 automatic and a loaded Craig which he kept in a corner of his bedroom. As soon as what he thought was a police car came within distance of the house, he would view it with his field glasses - he knows all the police officers in the county. As soon as he would determine it was a police officer, he would notify some other member of the family; they went to the bathroom. He went to the front door. If it was a narcotics officer or a police officer of any sort, you could hear the toilet flush in the bathroom and that was the end of the narcotics.

So it would necessitate our going in as we did, and as a result of that, we spent three or four days in court being harassed for the type of search or arrest we made. We could do it other ways if, as a result of your committee findings, you could find some other way we could do it, and still connect with narcotics and arrest the person.

Counsel Cook asked me to speak a little bit on dangerous drugs or amphetamines. That jar that we have back there on top that looks like a bunch of candy. They are all goof balls of one sort or another. They are yellow-jackets, rainbows, blue-devils, whatever you want to call them. Most of them, and you can see the trade names on them, are made within the United States. I would say that 95% of them are manufactured right here in the United States. The laws in California are strict. They make the manufacturing companies identify them in certain manners either by color or by initials on the capsule or one thing of a sort before they can bring them into the State of California.

But they may be taken into Arizona or New Mexico, or Texas, or any of the other states, or a lot of the other states or into Mexico without having to adhere to the same strict things they have in the State of California. And then, of course, they are transported into California, and as a result we accumulated the jar full over there. I think the officers of San Diego have a box about the size of this folder that I have here that is full of the same type thing.

But, a year and a half ago, when we got working exclusively on amphetamine, which is known as benzedrine. Benzedrine is the trade-name put out by Smith, Cline & French, and it is strictly a tradename, and has nothing to do with the contents particularly. This amphetamine is the general make-up of the benzedrine tablet.

Our sheriff is also coroner here. It is a little bit different here than in San Diego or Los Angeles. The sheriff here is elected as both sheriff and coroner and is responsible, of course, for the investigation into the deaths within the confines of the county. We found that we were having a particular type accident, trucks were over-running them on the highway, or they were going through stop signs or stop streets or not making any negotiated turns where there wasn't a white line to mark the turn or anything of that sort, and as a result our fatalities were increasing.

There was a deputy coroner at the time who began investigating along with the California Highway Patrol and with Hank Doty of the State Bureau of Pharmacy. We began shaking the trucks down right after the accident and going through them, and we found that for the most part the drivers were driving under the influence of amphetamine. I don't necessarily mean the big legitimate outfits, where the driver has the time to drive for eight hours and get the necessary sleep before he has to drive eight more hours, but the wildcat rigs that come into California from other states where a man owns one or two outfits, or one or two rigs, and it is necessary for him to drive to Los Angeles, unload and load up with merchandise going the other way, and turns around to drive just as far as he can before he goes to sleep. In order to keep on driving he began using amphetamine. We found him so terribly high from the amphetamine.

Just to list a few of the incidents, one took place over in Winterhaven where the driver had to come out and open the tailgate on his truck and look inside to see what type of merchandise he was hauling before he knew what direction he was going in.

We had another instance where we have sworn statements on record. Another driver was going down one of the grades in northern California; as he approached the grade and started down the side, he saw what he thought was an apple box sitting out in the middle of the highway. Instead of trying to go around it, figuring it was just an apple box, he started to straddle it with his wheels. It was an automobile towing a trailer. He went right up on top of it and did away with an entire family.

Another incident - a driver left the city of Fresno and was on his way north, and on his way out of town he started around an automobile, and this, as he said or testified, was not to his knowledge, but he hit the left rear fender of the car, made the car go diagonally across the road, and the car, in turn, was driven in front of an oil tanker that was southbound on that run, and the family of five was killed immediately and the driver of the truck went on down the road. It was some 70 or 80 miles before the California Highway Patrol roadblock successfully stopped the driver of the truck, took him out of the truck, and there were no windshields in the truck at all - they were gone completely. He had glass all down the front of him; he was cut up somewhat from the flying debris and glass; they asked him, of course, the necessary questions, and he had no knowledge at all of having been a part of the accident that occurred some 70 or 80 miles down the road. He denied having used amphetamine when amphetamine tablets were found on his person at the time and were found in the cab of the truck. He did time not for possession of the narcotic or drug amphetamine, but for the hit-and-run accident and the felony manslaughter charges.

There are any number of cases. We chase them all the way into Arizona, and they have just as many as we did. But, anyhow, during this general investigation, we came on a suspect in the City of Winterhaven who was one of the prime sources for amphetamine in Southern California, particularly the truckers that were going or coming out of the east and going north through Imperial Court.

The Customs Agency Service apprehended the suspect and I have forgotten the quantity, but if I say a gallon jar, I think that covers

the amount the man had at the time. It was a large amount of amphetamine tablets. He was tried in the federal courts in San Diego and I think, as a result of which, he got three days in the county jail and was subsequently put on parole. It didn't necessarily stop the man's operation, I think it slowed him down, but to my knowledge the man is still operating and will be until we apprehend him again.

That is part of our beef, I think; when we make a good arrest, when we make a man who is doing the things this fellow is doing, and that when a person does go to court, I think they can sentence him just as strong as they care to. I don't think the laws necessarily have to be changed, or anything of that sort, but I think if the judges would sit just a little bit harder on them, and I hear and read what is happening here in the last year or so, that federal courts particularly are sending them away for quite some length of time.

I know that in our own superior court narcotic convictions are doing a capable job. It is still a result of not punishing the people enough when they come before them. I don't hold necessarily to having them smell that little green capsule of cyanide in the Green Room in San Quentin. I don't think that is completely the answer because you can't get twelve persons to send a man to the gas chambers. It is quite difficult, but as long as they know that they can sentence them for five or ten, or fifteen or twenty years, in my own mind I believe that twelve jurors will do that a lot easier than they would to take a person's life.

Now, I will stop and try to answer whatever questions you would like to have answered.

CHAIRMAN CRAWFORD: I have one question. Was this operator in the Brawley sector an addict himself?

MR. THOMAS: No, sir, he was not an addict in the true sense of the word. He smoked marijuana every day of his life.

CHAIRMAN CRAWFORD: But he was not addicted?

MR. THOMAS: He was not - he did not use hard narcotics, no, sir.

CHAIRMAN CRAWFORD: It was purely as a commercial adventure then?

MR. THOMAS: Yes, sir. He had no other means of support.

CHAIRMAN CRAWFORD: In regard to these dangerous drugs being manufactured in the United States, you say that they may be obtained with ease across the border?

MR. THOMAS: Yes, sir, with some ease, but they may also be obtained in the State of California without too much difficulty in a lot of places. They may be obtained in Arizona with the same amount of ease, I believe, that you can obtain them in Mexico, because their laws are different than ours.

CHAIRMAN CRAWFORD: Is that through illicit trade or . . . ?

MR. THOMAS: Yes, sir.

CHAIRMAN CRAWFORD: Thank you. Are there any questions from members of the Committee? Mr. O'Connell.

ASSEMBLYMAN JOHN O'CONNELL: Was the Lawrence case a possession case?

MR. THOMAS: Yes, sir. Possession and sale. At the time of the apprehension he was in possession and he had sold twice before.

ASSEMBLYMAN O'CONNELL: And, one of the courts or indictments was for sale?

MR. THOMAS: Yes, sir.

ASSEMBLYMAN O'CONNELL: And the Priestly case, the indictment was simply for possession?

MR. THOMAS: Yes, sir.

ASSEMBLYMAN O'CONNELL: What would the effect on control of narcotics be if possession of narcotics was made not a crime?

MR. THOMAS: I don't quite understand you - you mean the person who, aside from being a druggist or a doctor or something of that sort, has illegal possession of narcotics?

ASSEMBLYMAN O'CONNELL: It occurs to me that most of the problem in the area of evidence, this Cahan problem, comes in the possession cases, and that is because contraband is found on the person or in the home of the defendant, and it seems to me that part of the problem might be in the way that the penal statute itself is drawn. 11500 of the Health and Safety Code makes it a felony to sell, use, possess narcotics. What would happen if we deleted the word "possess" from 11500, so mere possession of narcotics would not be a crime?

MR. THOMAS: We would probably accumulate an awful lot of narcotics. I mean if it was just that simple as where a person who was in possession who knew he wasn't going to be arrested for possession. Unless he had a monetary value involved, and if he himself had purchased the narcotics, he would still try to secrete the narcotics, I am sure. If you didn't penalize him for being in possession, 90% - oh, I won't say 90%, but a good percent of our cases - the only way we can make them is by possession, because they won't necessarily sell the narcotics to officers, and if we have to do away with our informants - they won't sell to our informants - we can't rely on the informants' testimony. The only way we are going to make the person who is pushing is by possession.

ASSEMBLYMAN O'CONNELL: The great evil that we are trying to combat is the sale or the pushing of narcotics. I think a lot of people have advocated - I noticed in the papers the other day that a couple of very respectable physicians had recommended that narcotics, the sale of narcotics, be made legal, as it is in England; that users be permitted to pick it up cheaply and from government sources. The big evil, it seems to me - I have heard it expressed from others - the big evil is that pushers, peddlers, are creating new addicts, and this is what we are really trying to get after.

Now, if possession of narcotics, or use of narcotics, was not a crime, would this, in your opinion, encourage sales of narcotics?

MR. THOMAS: To ask and try to answer a question at the same time, how would the narcotic addict afford the habit? In other words, if he can get it free, assuming that he can get it free, that there is no penalty for selling or for possessing, the addict could acquire all the narcotics he needs. The narcotic that is being used per ounce in the United States today is heroin. The tolerance involved with heroin is so terribly great that it is possible for a person, over a six-month period of time, or shorter, to build up a habit that today we would register as a \$36 a day habit or a \$40 a day habit, mainly because his tolerance has built up so he is no longer getting the benefits he received when he first started using narcotics. He is shooting because he can't afford this monkey he's got on his back; he can't afford the withdrawal symptoms; physically he can't stand them and mentally he won't stand them. So he begins shooting again. Well, the more often he shoots, the faster the tolerance develops, the more narcotics he needs - the man can't do it, even if you gave it to him.

I know a narcotic addict who will tell in the presence of you people that if you gave him a gallon jugful he would shoot it all up until it was gone. It isn't like candy that you can nibble on and go back and nibble again the next day. When they become addicted to heroin, particularly, the habit builds up so terribly fast that they have got to cope with it by shooting and shooting and shooting. But if they had free access to it, I think we would end up with a nation of narcotics.

CHAIRMAN CRAWFORD: Pardon me, John, I would like to interrupt at this time to introduce at our left, the Honorable Louis Francis, Assemblyman from San Mateo, and next to him is the Honorable Casper Weinberger, who is evidently serving his last term in the Assembly and is now running for Attorney General. We will miss him in these committees. And to my right, the Honorable Robert Crown from Alameda. Sorry to interrupt you.

ASSEMBLYMAN O'CONNELL: I gather then, Captain, that it is your opinion if the possession and use of narcotics were made not a crime, that (1) we would have more addicts; (2) that those new addicts, plus the old ones, would commit more other crimes to satisfy the habit that they acquired; and that, finally, it would not be wise for the Legislature to make such amendments to the Health and Safety Code that would make those present offenses not offenses in the future. Is that a fair . . . ?

MR. THOMAS: Yes, sir, I think, based on just one or two other things - narcotic enforcement believes that every addict in the course of a lifetime will addict at least six other persons, and I think from statistics we can establish or prove that there is at least one addict out of a thousand persons, contrary to what the professor at the University of California said just about a week or so back, that narcotics since the Civil War are progressively going down. I don't think that the professor has been out of the confines of the University of California.

ASSEMBLYMAN O'CONNELL: Do you know what the experience has been in England?

MR. THOMAS: Yes, sir.

ASSEMBLYMAN O'CONNELL: Could you tell us?

MR. THOMAS: I say I know what the experience has been in England. I have to believe what they send. I haven't been to England, but I correspond with them. I think they counted at one tally, 130 women narcotic addicts, and I believe it was 138 or 132 men narcotic addicts. But the way they recorded it was those persons who came in and admitted they were narcotic addicts. They don't work narcotics the same way we do. If you understand what I am talking about - if we were to record the persons in the United States or in California, or Imperial County, who came in and admittedly said they were narcotic addicts, we wrote down the names and addresses, and said "Yes, you are a narcotic addict" and turned them out to go back on the streets, I don't think we would count to more than 100 or 130, or something of that sort.

But if you go out and arrest the persons, as we are doing in California, or are attempting to anyhow, you will find that the figure would be much, much larger than 130 and 138. They are not, in my opinion, admitting that they have got a situation, and certainly theirs would be greater than ours. They have had narcotics in England much longer than they have had them in the United States.

CHAIRMAN CRAWFORD: Pardon me. May I take this time to interrupt again, John. The Honorable Phillip Burton, Assemblyman from San Francisco. Glad to have you here, Phil.

ASSEMBLYMAN BURTON: Might I just interrupt a moment. I am also a member of the Public Health Subcommittee on Narcotics, and I sat in on these hearings last week, last Thursday and Friday, in San Francisco.

Now, all of the evidence which was given was not necessarily written up in the newspapers, as you well know. Often times that occurs. The two gentlemen, two doctors, who testified concerning their recommendation that narcotics be made available, were basing their premise upon their idea that a narcotic addict cannot be cured; that once a person is a narcotic addict, they can never be cured. However, we also had testimony from Dr. Knox, who has developed a system of treating the addict upon the basis that addiction to narcotics is a symptom of an organic nervous disorder, and he has been treating addicts with enzymes and has successfully treated about 20 within the past year. The treatment is effectuated within 5 to 7 days as compared with the customary type of treatment with the gradual withdrawal of narcotics and the substitution of nonaddicting drugs, which takes anywhere from one month to three months.

Dr. Knox indicated that he believes that if we offer the addict a treatment, a course of treatments so that he does not suffer withdrawal symptoms, also with a very thorough follow-up with the nalline test being given approximately twice a week over a long period of time, that there is no need to acknowledge defeat in the treatment of narcotic addicts, and therefore, there is no need for setting up the shocks.

It was brought out also in the testimony that the Royal Medical Opinion of 1956, contrary to popular belief in the United States, does not legalize giving narcotics to addicts merely because they are addicts, but does legalize the giving of narcotics in medical cases that a doctor or person licensed to administer drugs in England would lose his license just as easily by furnishing narcotics to an addict merely because that person is an addict. Certainly, something that was quite interesting to me, also, indicated for the first time, I feel, there is a ray of hope for the addict that he can be assisted.

CHAIRMAN CRAWFORD: Are there questions from other members of the Committee? Mr. Thelin.

ASSEMBLYMAN HOWARD J. THELIN: Captain Thomas, from your opinion, do you think the number of addicts in California is increasing greater than you would expect from the growth of population? We have some difficulty, apparently, finding out how many we have - at least, that has been my experience in Public Health Subcommittee.

MR. THOMAS: Yes, sir. I think it is on an increase. Certainly I do. I think that since the Korean War narcotics, particularly heroin, have gotten to a younger class of people than was getting to prior to World War II. From World War II to Korea. It was getting persons from the ages of 19 to 25. We are arresting addicts now that are 16 and 17 years of age. We did it before, don't misunderstand me, but now it is on an increase. We are finding more and more and more of them - not necessarily in the true sense of the word "addict" where they have to have it - they may be just weekend "joy poppers" or some such thing, where they will go to a party on a weekend and they will fix with a little bit of heroin and it is so diluted, it is so cut down, it isn't a quantity to make them shoot again that same day or make them shoot the next day. But the next weekend they will go back and shoot again, and someplace along the line their body will begin to build up a tolerance to it, and they become addicts.

ASSEMBLYMAN THELIN: In your own county here, I take it, your experience has been due to the incidents of narcotic arrests, that is for violation of our narcotic control law, seems to be increasing in the past five years?

MR. THOMAS: Yes, sir, positively. We find that our jail, the county facility, on the average holds between 125 and 150 inmates, and for the most part, we have been detaining, and that is including all narcotic arrests, from 20 to 25 persons for narcotics. I think it is down now. I don't think we have over 10 or 12 in there. But for the most part it is in excess of 20 - we had 22, 23, 24 for the population the size of Imperial County. Now that is not all, of course, of the persons who are addicted. We know that a lot more that are out that we have not had a chance to apprehend or can't apprehend.

ASSEMBLYMAN THELIN: Thank you very much.

CHAIRMAN CRAWFORD: Assemblyman House.

ASSEMBLYMAN LEVERETTE D. HOUSE: Captain Thomas, are we using the nalline test here in Imperial County at this time?

MR. THOMAS: Yes, sir, we are. We are successful. We have lost a few cases we felt . . . the person we felt was an addict, but I think it is very good for us to use it to lose a case or two like that, and I think it has necessitated a little bit more investigation on the outside. Also, it has given the addict some false courage, when he thinks he can get by with nalline and fake it, and as a result we have been able to affect some arrests where the persons have come in voluntarily.

ASSEMBLYMAN HOUSE: Would you suggest that we perhaps get a little tougher with the seller or pusher, and maybe become a little more tolerant with the addict?

MR. THOMAS: Well, I gather . . . it is my own personal belief . . .

ASSEMBLYMAN HOUSE: That is what I would like to hear.

MR. THOMAS: I personally believe that if a person associates with narcotics or becomes an addict, in the not too distant future he will sell or he will give away, or he will transport narcotics, in order to support his habit. If you can get a juvenile who was just -- in their vernacular, "chipping" with the stuff or "skin popping" with the stuff, you cannot necessarily arrest him, but you can get him away from it. Then by whatever methods are possible to keep a person away from narcotics, fine. I think that is real good.

But, we have had so many repeaters where we have gone all out with everything possible. I mean with the kids only 18 years old. We have a boy who is 20 years old now, who has tracks up and down both arms to either shoulder and he is shooting on the backs of both wrists and between his fingers, and he is only 20 years old. And he has been in our jail a "jillion" times, and we have tried the easy way, the hard way, we have tried everything in the world. Now, I couldn't truthfully say that the easy way would do it. Maybe coddling will do it, but it would be against my way of thinking to coddle the addict.

ASSEMBLYMAN HOUSE: Thank you.

CHAIRMAN CRAWFORD: Assemblyman Weinberger.

ASSEMBLYMAN CASPER W. WEINBERGER: Mr. Thomas, is there any recommendation you would make to this committee about possible changes in the law that would improve this situation? Anything with respect to any changes concerning definitions of impediment, or anything of that sort, or anything in connection with law enforcement, administration, or other problems that you have encountered personally?

MR. THOMAS: At the last session of the Legislature, Senator Byrd and Senator Kraft from San Diego attempted to pass for us, after this previous investigation, or this investigation I previously mentioned - the law whereby amphetamine and hypnotics would be classed as dangerous drugs, and for reasons unknown to me, because I am not familiar with the Legislature - not that familiar with it - we couldn't do it at that time. It may have been that we were asking for too big a piece of the cake, and if we had settled for a smaller portion we would have gotten by and time developed. I think for amphetamine and hypnotics - if they were made to fit into the same class as dangerous drugs, it would have helped a little bit. When

some persons think that way, why should a man deal in heroin or morphine or cocaine or whatever it happened to be, and stand a chance of going to San Quentin for 5 to 10 years, when he can deal in "goof balls" with almost the same monetary value, and end up by simply having his wrists slapped and told he shouldn't do it and be put back on the street, and they are every bit as addicting.

A person who has an amphetamine habit or is addicted to one of the synthetic drugs has a habit that is equally as bad. I don't think the laws, as far as narcotics generally, should be changed. I think they are severe enough. You have to have the law enforcement officer, is my point of view. If we can make the cases, and be given a little bit of a stick to wield, we can do something. This knocking on the front door and asking permission to come in - we are not going to make too many cases like that.

ASSEMBLYMAN WEINBERGER: Well, that was the next question. Is there anything in the current decisions or the recent decisions that has made your job difficult enough to warrant recommendations for changes in the laws based on those recent decisions?

MR. THOMAS: Of course, most recent are the two that we talked about here just a little bit earlier - the Lawrence decision and the Priestly decision - where it necessitates our bringing before the defendant his accuser, the informant. Insofar as we can deal in narcotics, all of our information comes from informants. If we have to reveal the source of our information, narcotic enforcement, I think, is being dealt a low blow - a very definite low blow, because that is the only way we can get information. We don't get it from John Doe Taxpayer. He doesn't even know what narcotics are - he isn't aware of what is going on. So we have to deal with and live with the persons who use narcotics. In order to get the information, we have to rely primarily on informants who are within the circles of addicts or persons who sell and possess.

ASSEMBLYMAN WEINBERGER: Once these identities are disclosed, then they are completely useless for any further purpose?

MR. THOMAS: Yes, sir. And to dwell on that for just a moment, if I may, the State Bureau of Narcotics in California, and I think I know most of the men in the Bureau and in the Department - I think they are the finest narcotic officers as there are anyplace else in the United States, barring none. I think they do a very capable and commendable job, but there are so few of them in number that they can't do a thorough job.

We have had two or three of their agents come down here and make 12, 13, or 14 buys for us. We come out with either complaints through our District Attorney's Office or through the Grand Jury, and at some later date, after they have made their purchases, go ahead and arrest them. That necessitates the informant, who is the State Narcotic officer and has made the buys, testifying in court. The officer is no longer any good down here. He can't make another buy to save his life, because they all know him, they know he is a narcotic officer.

Just recently as 1951 the State Bureau of Narcotics had 25 officers in the entire State of California. I think it is up now to about 51 or 52, and that includes chemists, persons who don't normally

go out into the field, but only go out for the analysis of the narcotics. They have got one in Fresno who is probably the best in the world. The man is not only a chemist, he is a narcotic officer, and then he does his work in the laboratory just as fast and as precisely as he can - he is outdoors making buys all the time. He is wearing himself out.

There should be more people working in narcotics, particularly with the state so that they can send agents. We have built up cases with the Brawley Police Department, the El Centro P.D., our own office - we work together, and we have developed cases where we know the person is a seller. We know that he sells narcotics, but we can't purchase from him because he knows us to be police officers, and the State doesn't have enough personnel to send an agent down here, or send an inspector down here who can come in and work undercover and make the necessary purchases for us.

ASSEMBLYMAN WEINBERGER: Just one more question. Is it the lack of State personnel, or is it the rule that requires the disclosure of identity or disclosing . . . ?

MR. THOMAS: In that particular case, it wouldn't make any difference either way, because the officer making the arrest would necessitate his testifying in court, which is all well and good, because he is a State officer and he should testify. But the thing that hurts us is the information that we have first given to him, comes from an informant. If we have to reveal the source of that information, then I think law enforcement is on the way out.

ASSEMBLYMAN WEINBERGER: Are those secondary - those can be local people and you can use them regularly and repeatedly and so on, so long as you don't have to make disclosure at the trial?

MR. THOMAS: That is correct. Yes, sir.

ASSEMBLYMAN WEINBERGER: Do the state officers come in at your own request for this purpose?

MR. THOMAS: Yes, sir, indeed. We only pick up the telephone and call them, and if they have a man available, he is on the way down here.

ASSEMBLYMAN WEINBERGER: They don't come in on their own?

MR. THOMAS: No, sir, not here in Imperial County. I don't know what they do in other counties, but down here they cooperate with us real well. I think it is because they know we have a problem and they are trying to help us.

CHAIRMAN CRAWFORD: Assemblyman Francis?

ASSEMBLYMAN LOUIS FRANCIS: Mr. Thomas, in the State of Ohio they had a very serious problem which I am sure you are familiar with, in the narcotics' trafficking, and the state increased its penalties so that they were very harsh there, and the statistics have dropped appreciably.

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ASSEMBLYMAN LOUIS FRANCIS: Mr. Thomas, in the State of Ohio they had a very serious problem which I am sure you are familiar with, in the narcotics' trafficking, and the state increased its penalties so that they were very harsh there, and the statistics have dropped appreciably.

Now during the last session of the Legislature there were seven bills that were introduced by various Assemblymen, each one of which was referred to this Committee for interim study, and these bills provided substantially for increasing the penalty for all narcotic offenses. Now do you feel that that would contribute greatly toward solving our present problems here in California?

MR. THOMAS: I would have to make a comparison, and I am not too familiar with what the penalties are in the State of Ohio. But for sale in California a man can go to Chino for from one to ten years; if it is the second time, or second sale, he can go from five to life, or 5 to 20 years, or 10 to life. The people who are terrifically burdened with this thing are the Adult Authorities - the persons who are at Chino or at San Quentin, or wherever they may be holding that particular session. They have just so much room for so many people. Well, the faster they can rehabilitate those people, put them back on the streets and accept the ones who were arrested today so they can rehabilitate those and put them back on the street; I mean, that is just what it boils down to for them. They don't have the facilities, they don't have the length of time necessary to correct them.

A man can be sentenced to San Quentin for the term prescribed by law. When he gets up before the Adult Authority, maybe it is just a first offense, maybe he is caught or he is in there for possession. So as you probably well know, in a possession case, that is all you can try the man for, is possession. You do not make mention of the fact that he has sold 20 or 30 persons before we got him for possession. All we can do in court is say "the man was in possession." So, he comes up for possession.

The Adult Authority listens to his side of the story and they, of course, get a transcript from the trial down here, and the man promises that he will never sell again, he does a reasonable amount of time - a year or two years in jail - then he is back on the street because they need the spot he is standing in for someone else who is on his way in.

I think somewhat the state needs more institutes, or certainly more people to counsel these men after they are confined. After we arrest them and put them in there, the Adult Authority is overworked. They just don't have the personnel, and it appears that they don't have the personnel to handle them after they get in.

ASSEMBLYMAN FRANCIS: Well, in spite of the facilities that are available or unavailable, in your opinion do you feel that increased penalties would be a sufficient deterrent to eliminate a lot of the offenses that are presently committed?

MR. THOMAS: Well, if a man, say . . .

ASSEMBLYMAN FRANCIS: Well, let us take the extreme case - someone who is peddling narcotics to minors . . .

MR. THOMAS: All right, life imprisonment, no hassle or argument at all - put him away and forget about him. We even have an island we can put him on. We can put him on an island and forget about him.

ASSEMBLYMAN FRANCIS: Now, one other bill that was introduced prohibiting probation and fixed a minimum term for a narcotic offender convicted of a particular type of offense, do you feel that that would help?

MR. THOMAS: Would that mean the discretion of the court?

ASSEMBLYMAN FRANCIS: No, it would not. In other words, it would be a mandatory jail sentence if a person is convicted of any narcotic offense.

MR. THOMAS: Well, a jail sentence now is mandatory if a man is convicted. It is after he goes to the institute that they determine what length of time he has to stay.

ASSEMBLYMAN FRANCIS: Yes, but under the present laws, don't the judges have the right to suspend part of the sentence, or grant probation?

MR. THOMAS: Yes.

ASSEMBLYMAN FRANCIS: In other words, he can sentence him for one year and put him on probation for that period of time?

MR. THOMAS: Yes. I think if it were mandatory that the man be incarcerated for some given length of time, it would help the situation. Yes, sir. I think it does - I know we have had that worked down here.

CHAIRMAN CRAWFORD: Assemblyman Hanna?

ASSEMBLYMAN RICHARD T. HANNA: Captain, do you have some idea at this time about how many narcotic arrests were made in this county last year?

MR. THOMAS: Yes, sir, I think I have some figures. Just a moment. Let me give you these figures along with some other figures, and I think you can work the thing out.

ASSEMBLYMAN HANNA: Would these be comparative figures?

MR. THOMAS: No, sir, this is the way it was worked out-- the cost per narcotic addict, and that was assuming that the addict was standing on the corner, someone came up and said "John Doe is an addict. He is down there." We went down there; the man appeared to be under the influence and we brought him in. He admits being an addict without going through all the rigamarole necessary. But from September first to September 11, there were 31 persons arrested for narcotic possession - that includes the persons arrested by the city, the county, the state, and the Federal Customs Agency Service. For dangerous drugs, just one person was arrested in that same period of time and confined to the county jail. Driving under the influence of narcotics, there were 3 failing to register as an addict. There were 20 - 17 persons arrested for smuggling narcotics. There were 9 persons picked up for investigation of narcotics who were subsequently released; for drug addiction there were 26 persons arrested - for a total of 117. That was for September 1 to September 11 - I am sorry, September 1, 1956, to September 11, 1957.

The over-all cost for handling one drug addict in a 90-day period, and I don't have the figures that led up to this, I simply have the results of the figures - for 90 days incarceration in the county jail, the meals for 90 days would total \$45; the necessary toxicology would run around \$20; the court costs of both lower and superior court, and that includes the judge, clerk, the bailiff, and everyone in there, is \$543; the medical treatment while the addict is confined in the county jail is \$73; the cost of the arresting officer, and that includes the daily maintenance of the officer, the officer's salary, his transportation, and whatever else, possibly the cost of the informant, is \$96; for a total of \$777.04 for a 90-day period per addict. I think these figures are self-explanatory. It costs the California taxpayer an awful lot of money for addicts. And they have not cured them.

ASSEMBLYMAN HANNA: I think, too, that this would be probably fairer to the Legislators and probably important to the citizens, to keep in mind that as we plan to make larger facilities to take care of these people in places like Chino, and so on, we should keep in mind that it costs us approximately \$200 more per year to keep people in those institutions than it does to keep the college student in, for instance, the University of California. I think the figure runs somewhere roughly around \$2,200 for a college person and somewhere around \$2,400 for a prison inmate. And we have to keep those things in mind, too, as we think about filling up and creating new institutions to fill up, so that is another phase of the problem of arresting and incarcerating people.

CHAIRMAN CRAWFORD: Assemblyman Burton?

ASSEMBLYMAN PHILIP BURTON: Captain Thomas, in your experience, I am, first of all, going to ask you about the addicts and then about the pushers - have you noticed that the addicts have been deterred from addiction, or new potential addicts have been deterred from becoming addicts, when the Legislature increased the penalties for addiction?

MR. THOMAS: Yes, sir, there was a decrease for some period of time, and then the courts in California came up with such decisions as the Priestly decision and the Lawrence decision, and the narcotic offenders began just almost openly to laugh at the narcotic enforcement officers.

ASSEMBLYMAN BURTON: Do you recall when the Legislature increased the penalties for addiction, in the last 3 or 4 years, I am not sure of the date. In other words, if you are plotting the addiction ratio related to population, we would find that the curb would ascend at the time after the legislation became enacted that strengthened the penalties. We would find a clear drop in the addiction rate and this drop would continue until the court decisions, and then the addiction rate rose, is that correct?

MR. THOMAS: Yes, sir, I think that is a clear picture. I think that when the penalty became a little bit more severe, the people became certainly more cautious and harder to apprehend. If nothing else, they were on a downgrade. And it was not a terrific thing, but it was a noticeable situation. But then, as a result of the court decisions, and, believe me, persons in narcotics find out about those

things everybit as fast as we do. They are all very well aware of what is going on and then you approach a person that you suspect. There used to be a time when we could take an old addict and ask him to roll up his sleeves on the street and look for new marks on his arms. You can't do it today - you can't stop him to begin with. He will walk right by you, because he knows that without a search warrant, you have no right in the world to pull up his sleeves and look at him and find out if he has been shooting narcotics or using narcotics. And they are not trying to cure themselves. If they would, they wouldn't go on it when they are released from the hospitals or the facilities that have had them. If they were trying to stay away from narcotics, that is an honest-to-god cheer for them - they're cleaned up, they're physically able to cope with them, they may not be mentally, but they certainly are physically.

ASSEMBLYMAN BURTON: In this county, how do you compute the conviction figures?

MR. THOMAS: You mean in proportion to the amount of persons living within the county?

ASSEMBLYMAN BURTON: Just your conviction figures. How do you compute them, what method do you have in compiling the number of people?

MR. THOMAS: I don't think we have ever sat down and tried to count the number of addicts in the county. It would almost be an impossibility. I think it could be done, but then it would still be in generalities because the influx of persons in and out of the county during certain times of the year. And, we have what they refer to as crazy addicts. We have addicts down here who actually work for a living. In other words, they work picking cotton for awhile; they work in the lettuce, and they work someplace. And, they are still addicts, and they don't have that in the metropolitan districts.

ASSEMBLYMAN BURTON: Now, would I be correct in assuming that you would give the same answer with reference to pushers that the stretching of penalties deterred the number of people involved in pushing narcotics?

MR. THOMAS: Yes, sir, but then again, I think that it would probably make them that much more cautious, too, and if they realize that they are going up for a longer period of time, the persons that they sell to and the people that they deal with, are going to be a lot more cautious than they would be with a simple sentence, a year, two years, or something of that sort - when they know that they are going to prison for 5 to 10, or 10 to life, they are going to take more precautions.

ASSEMBLYMAN BURTON: This is the first committee hearing that I have attended that has discussed this problem, so perhaps there is some preliminary information that I am missing. Now, has it been your experience, or is it the experience of law enforcement officers generally that when you find pushers, they are in effect addicts themselves who are selling to support their habit, as distinguished from the leaders of the narcotics organization. What difficulty, or, putting it positively, what success, either in this county or among

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law enforcement officers generally, have we had with apprehending the people who organize these rings, assuming they are organized?

MR. THOMAS: Oh, I think we have all had a limited amount of success. As I mentioned earlier when we arrested this fellow Baldwin as our source, his activities were common knowledge as far as police officers in our county were concerned and as far north as Fresno. He was a known connection for narcotics and it was necessary that you contact "Baldy" before you could score for narcotics in Mexico. And, we were successful and arrested Baldwin and sent him to Chino.

But to get the big ones, it is a series of things you need - more law enforcement officers, who need more training or better training. I don't believe this - I don't believe that a man can successfully work in narcotics and work burglary cases, or work auto theft cases for any length of time. For if a man is going to buy, as the state narcotic agents do, he has to stay abreast of the necessary terminologies being used by the narcotic addict, by the dealers. In other words, it may be "junk" today and it may be "white" tomorrow. If you say "junk" tomorrow, you are not going to make a connection, you are not going to buy. If the man can't stay out and live with them and stay abreast of everything they are saying or conversation and how to do it, he can't make buys or he can't make purchases.

ASSEMBLYMAN BURTON: Are you permitted to tell us what are some of the more common procedures of dealing with informants, what is in it for the informant other than presumably the lack of prosecution for a period of time? Are you permitted to . . .

MR. THOMAS: I may not be permitted . . .

ASSEMBLYMAN BURTON: If you aren't, I can find out privately later.

MR. THOMAS: I think I have the sheriff's permission, but morally I don't believe I should state exactly how we deal with these people.

ASSEMBLYMAN BURTON: I am not trying to put you on a spot.

MR. THOMAS: Well, you have, believe me.

ASSEMBLYMAN BURTON: Well, I will withdraw the question then and I will find out after the hearing.

I just have this one final observation - it has occurred to me that when you have people addicted, they become victimized, are willing to do anything to support this habit, and become involuntary sellers. I am not sure that any amount of pressure is really attacking the problem when we are dealing with these people. I am afraid that the addiction is a psychological and a physical illness, as distinguished from a crime per se, and I am not sure that increased punishment is the answer. I think certainly some kind of confinement or isolation is part of the answer but not "x" number of years in jail. I think that we have to find another approach and we have to presumably increase personnel to get at the heart of these rings, at the source of the supply. Now, what do you have to say to that observation?

MR. THOMAS: I agree with you for the most part. I think if a person is strictly an addict, I mean he isn't dealing, he isn't selling - maybe he is a thief along with being an addict - but he is just an addict, he isn't using or purchasing narcotics, or transporting or something of that sort, then I think there is a possibility that he may be treated differently. In other words, psychology or anything at all besides putting the man into jail, may help him. But, if the addict is also a person who sells or transports or negotiates for narcotics, then I don't think he deserves the same type treatment that just a regular addict gets.

This word "addict" is a word that can be used so many different ways - I mean, when a person is arrested for the use of narcotics, according to our Health and Safety Code, he is arrested for addiction. It may be that he is just, as we called it awhile earlier, a weekend joy-pot or a skin-pot, or something of that sort. He isn't, in the true sense of the word, an addict at that particular point and doesn't deserve the same things as the man who has been fooling with it for years would deserve.

CHAIRMAN CRAWFORD: Assemblyman Crown?

ASSEMBLYMAN ROBERT W. CROWN: Captain Thomas, have you observed whether or not the increased severity in handling these cases makes convictions more difficult?

MR. THOMAS: No, sir, not necessarily. As long as it stays within the limits, you are simply confining the matter in incarcerating the man. But to compare it, say to a homicide, you have the same 12 jurors when you try a homicide case, and it is necessary that they take the man's life from him. But then, it makes it much more difficult to get a conviction because, aside from going all out, you have to go all out again, you have to just go and go and go, because they won't do it, they won't take a man's life as readily as they will confine him for 10, or 15, or 20 years.

ASSEMBLYMAN CROWN: Now, the practical aspect of making certain penalties mandatory where they are not mandatory now, is to remove the discretion usually exercised by the judge?

MR. THOMAS: Yes, that is correct.

ASSEMBLYMAN CROWN: Has it been your practice, or has it been your observation that there is a practice on the part of the Judiciary to misapply their discretionary powers in narcotic cases?

MR. THOMAS: I think the judges are doing, in their own way of thinking, what they think is a commendable and good job. They are trying to - with one person being tried for a crime, preserve the rights of the general public of the United States, or of California. I think that is all well and good. But, by the same token, the person who is being tried for narcotics is entirely separate from the general run-of-the-mill person. He is not the man who goes to work at eight in the morning and comes home at five, or nine to five, who holds a steady job, or something of that sort. He is a detriment to society, there is no denying it. The man is just an honest-to-god detriment; he is a person who is knocking our society right between the eyes. And he still rates and probably deserves the same

consideration that John Q. Public does, but I don't see why he should. If a man is in there for a narcotic crime, for selling or for possessing, I don't say we should burn his house down and make him come out, but I think we should be allowed some different power than we are allowed in order to effect an arrest right now. And it is not so.

In the last decisions that we have had in the courts in California, they are leaning away from it all the time. The man is a criminal even if it is as long as he was up at the prison before. He still rates the same privileges as the person who has never associated with narcotics, who is not a burglar, who is not a thief, or something of that sort. And I don't think that is right. I don't know how to get by it exactly.

ASSEMBLYMAN CROWN: Thank you.

CHAIRMAN CRAWFORD: Thank you very much, Captain, for your testimony. You have been here on the stand for an hour and 18 minutes, and I think we received a great deal of benefit from your testimony. Thank you very much for being with us today.

MR. THOMAS: Thank you.

CHAIRMAN CRAWFORD: Mr. Quick? Mr. Quick is the U. S. Customs Officer in charge at Calexico, California. We have asked him to discuss the narcotic problem from the viewpoint of the United States Customs Office.

AARON QUICK
U. S. Customs Office
Calexico

MR. QUICK: May I correct the title, I am the Customs Agent in charge in Calexico, which is a separate division from the Inspection Forces of Customs in Calexico, but still under the Bureau of Customs, but a different division.

CHAIRMAN CRAWFORD: Thank you.

MR. QUICK: The inspection force is under the Collector of Customs, which all of us are under the Commissioner of Customs in Washington, D. C., a different division. I am the Customs Agent in Charge at the Port of Calexico. I will be glad to help you in anyway I can. I don't particularly care to lead off. If you have any questions, I will attempt to answer them.

CHAIRMAN CRAWFORD: Do you have any information concerning the amount of traffic in dangerous drugs and narcotics across the border?

MR. QUICK: The exact amount?

CHAIRMAN CRAWFORD: We won't pin you down to any exact amount in grams or milligrams, but perhaps you can tell us how many arrests have been made at the local port of entry.

MR. QUICK: Well, I wasn't asked to furnish statistics. I didn't prepare any statistics, but we do arrest narcotic violators day to day, week to week, as we are able to get ahold of them.

CHAIRMAN CRAWFORD: Mr. Cook, our consultant.

MR. ROBERT J. COOK: Mr. Quick, do you have knowledge whether or not narcotics are available in Mexico?

MR. QUICK: May I qualify that statement just a little bit?

MR. COOK: You may.

MR. QUICK: It would be "yes", but from my knowledge, Mexico is one of the principal suppliers of narcotics. There are other countries throughout the world which supply perhaps more narcotics that reach the United States than Mexico.

MR. COOK: What countries are these, do you know?

MR. QUICK: Well, I would say the Asiatic countries and the various countries in Europe, European countries. In other words, generally they are referred to as the Near Eastern and Far Eastern countries, as far as narcotics are concerned.

MR. COOK: During the time that you have been Customs Officer in Calexico, has it been brought to your attention that there is trafficking of narcotics across the border.

MR. QUICK: Yes, sir.

MR. COOK: What kind of narcotics?

MR. QUICK: Heroin, opium, and marijuana.

MR. COOK: Have arrests been made of persons possessing these narcotics?

MR. QUICK: Yes.

MR. COOK: Were these arrests made at the border?

MR. QUICK: Yes. Usually at the border, some of them have been inland.

MR. COOK: Where would you find your information so that you would know that a person would be possessing narcotics as he crossed the border?

MR. QUICK: They are not all made as a result of information. Some cases are made by observation of persons going back and forth across the border.

MR. COOK: What percentage of those cases would you say have been made by observation, rather than information received?

MR. QUICK: At the port of Calexico, I would say a small percentage is made by observation.

MR. COOK: Would you say that the majority of arrests made was from information received by your office from informants?

MR. QUICK: Well, I wouldn't want to say that. There are a lot of people I would class as informants. Others, I would class as good citizens, people who have knowledge of violations and are willing to reveal them. I don't like to class those people as informants. I more or less class an informant as a paid person who is working for what he can make out of it financially.

MR. COOK: Are a substantial percentage of the informants paid informants?

MR. QUICK: Perhaps the majority of cases are made as a result of purchased information.

MR. COOK: Would you say that there would be any damage done in the event you had to disclose the names of confidential informants?

MR. QUICK: Definitely.

MR. COOK: In what way?

MR. QUICK: Well, it has few angles. First, if we reveal our source of information, we wouldn't have any source of information very long.

MR. COOK: Why?

MR. QUICK: Because, in my personal experience in dealing with sources of information in narcotic cases, not only their lives but the members of their families and, perhaps, their associates would be disposed of.

MR. COOK: Have any examples come to your attention of that nature?

MR. QUICK: Yes, sir.

MR. COOK: Could you describe them?

MR. QUICK: Well, we have had sources of information who were believed to be sources of information by certain people that were - had been killed, murdered.

MR. COOK: Do you believe that they were murdered because they were found to have disclosed certain information relating to narcotics?

MR. QUICK: The answer is two ways on that . . . that they were suspected to have disclosed information.

MR. COOK: Were they actually informants? To your knowledge?

MR. QUICK: Well, I would hedge just a little bit on that. If I say a certain person who is found dead was an informant, I might still leave an opening for his family, or so forth, to suffer certain measures which would be dealt out by those who might still have a desire to further correct what they call their situation.

CHAIRMAN CRAWFORD: I have a question, Mr. Quick. Have the majority of the arrests that have been made for transporting

dangerous drugs and narcotics across the border been those who were addicts themselves, or were they in it as a commercial venture?

MR. QUICK: I would say that most of our cases are persons who are in the business commercially. The addicts that we catch, as a rule, don't have very much narcotics. The large dealers are not addicts.

CHAIRMAN CRAWFORD: Would you say that there is a greater volume in marijuana, or in dangerous drugs, or in narcotics?

MR. QUICK: Well, I would say that, perhaps, this day and time, the last 3 or 4 years, the major traffic has been in heroin and marijuana.

CHAIRMAN CRAWFORD: Are there questions by members of the committee? Mr. Weinberger.

ASSEMBLYMAN WEINBERGER: To get back to this informant matter, there seems to be a distinction made by the courts, sir, and the question as to whether or not the informant actually participates in the crime. Are you speaking of that type, or are you speaking of the man who tells you or your agents where to go so that they themselves can find the possession or make the buy?

MR. QUICK: Well, we don't particularly work on buys so much. We have means of knowing where perhaps the more important, well-established traffickers in Mexico, where they reside, or where their place of business is, where they operate from. We may not have exact, definite information that this person who is frequenting this place is purchasing narcotics or even dealing in narcotics, but working under the assumption that if he is associated with these people in Mexico, who are known narcotic traffickers, that the possibility is that he may be dealing and he is treated accordingly when he comes back across the line.

Of course, now, I might explain a little further on that, being somewhat familiar with the Cahan decision and some of the other decisions in California, where the search is almost impossible. We have a government law that reads more or less like this - any person arriving from a foreign country into the United States is subject to search so we don't have the search problem as yet at least like the state or local officers do.

ASSEMBLYMAN WEINBERGER: So you, on the basis of information furnished to you, or on the basis of information that is given to you by associations of these people, might, for example, make a more careful search at the Customs than you would of other people?

MR. QUICK: Yes. That is correct.

ASSEMBLYMAN WEINBERGER: Because of this special law that you mentioned, you are not hampered in that?

MR. QUICK: That is correct.

ASSEMBLYMAN WEINBERGER: You don't have to disclose where you received your information that led you to make a more careful search of these particular people?

MR. QUICK: No, sir. We couldn't consider some of it as definitely as information. It is just establishing reason or probable cause, not even a probable cause. We don't need that on the border to pay particular attention to certain individuals when they arrive from a foreign country.

ASSEMBLYMAN WEINBERGER: These other cases that you spoke of where you would be hampered by some of these decisions, would be cases where you make your searches and investigations at places other than the border?

MR. QUICK: Not necessarily. It could be at the border as well as farther inland. In other words, we have thousands of people crossing back and forth across the border each day. It is humanly impossible with the facilities that the government has to pay particular attention to each and every one of those persons. Naturally if we have a suspect, or a person who is reported as a trafficker in narcotics, we may search him at the border or we may follow him inland a ways and search him.

ASSEMBLYMAN WEINBERGER: Does the benefit of this special law that you spoke of, protect you or govern the situation when you get further inland?

MR. QUICK: As long as we keep the person under observation, according to the way the law reads, we can follow him to any point in the United States and search him, and he is subject to prosecution in any judicial district through which he passes en route to the point of arrest.

ASSEMBLYMAN WEINBERGER: Without showing a reasonable cause?

MR. QUICK: Yes, sir.

ASSEMBLYMAN WEINBERGER: Or any of the preliminaries required in other situations?

MR. QUICK: That is right.

ASSEMBLYMAN WEINBERGER: So that you yourselves, as part of the Customs Service, would not, in a sense, be affected then by the rule that requires disclosure of your information, because you don't have to establish that preliminary?

MR. QUICK: Because we make our case strictly on the basis of information as furnished and so reported, then we testify that it is the result of information furnished to us, and then under the policy of this day and time, we might be asked to disclose our source of information, but we don't deem it advisable in most cases to disclose our source of information unless the person is willing to come in and testify.

ASSEMBLYMAN WEINBERGER: So your activity then is presumably based upon the protection of this special law and you simply on the basis of that examine some people about whom you may have been given information somewhat more carefully and you are permitted to follow inland at some distance to check your observations. If you, then,

on the basis of a search not conducted with reference to the normal rules, you find narcotics, you are permitted to make an arrest and that arrest can stand without these other . . . ?

MR. QUICK: Yes, sir.

ASSEMBLYMAN WEINBERGER: Thank you very much.

CHAIRMAN CRAWFORD: Assemblyman House.

ASSEMBLYMAN HOUSE: Mr. Quick, do you have any recommendations for improvement that might aid and assist this committee in future legislation?

MR. QUICK: With reference to the State of California presumably?

ASSEMBLYMAN HOUSE: Yes, sir.

MR. QUICK: If I may explain just a little bit . . . We go back to prohibition time, for instance, when the government was trying . . . the states were trying to enforce the Prohibition Act. They employed a lot of officers, most of them inexperienced to my way of thinking, and they were overanxious to make cases, and cases were made in such a manner that when it was brought into court, that the court would probably arrive in ruling that it was illegal search, but due to those rulings, it had the courts . . . it dates back to prohibition time.

I think not only the Customs officers, all officers in general -- law enforcement officers throughout the country - are hampered by court decisions. But, if I were to answer your question, if we had specific laws and thoroughly trained and capable officers to work narcotics, I think it would be well if they were permitted to enter and search a person's home or his automobile, or even the person concerned, without having to go to all the trouble of getting a search warrant and the delay and so forth, that is necessitated under the present system.

ASSEMBLYMAN HOUSE: Thank you.

CHAIRMAN CRAWFORD: Assemblyman O'Connell:

ASSEMBLYMAN O'CONNELL: Mr. Quick, I think that that last answer was your personal opinion about the situation - it has nothing to do with the United States Customs Service?

MR. QUICK: No, sir.

ASSEMBLYMAN O'CONNELL: Now, getting back to the Customs Service, do you have the border guards under your jurisdiction in the entire area surrounding Calexico?

MR. QUICK: Well, we work Imperial County.

ASSEMBLYMAN O'CONNELL: In other words, do you cover the whole border between Imperial County and Mexico?

MR. QUICK: Throughout Imperial County, yes, sir.

ASSEMBLYMAN O'CONNELL: Do you . . .

MR. QUICK: May I explain this to you so it might clarify it a little bit for you. We have the Customs Agency district, our headquarters is in Los Angeles, Supervising Customs Agent. His district comprises the States of California, Arizona, Nevada, Utah, and Honolulu. We have, like myself, the Customs Agent in Charge. I am responsible, primarily, for this particular area of Imperial County.

ASSEMBLYMAN O'CONNELL: Now, do you know whether there is more illegal importation of narcotics going through Imperial County today than there was, let us say, ten years ago?

MR. QUICK: If I follow you - are more narcotics being smuggled today than there were ten years ago through Imperial County? I can't answer that question because I returned here in 1949 . . .

ASSEMBLYMAN O'CONNELL: Let us take 1949 or 1950 then.

MR. QUICK: In that period, I think we have caught more stuff in the last ten years that I have been here than was caught in the ten years prior to that time, if that answers your question.

ASSEMBLYMAN O'CONNELL: Do you think you are doing a more effective job policing the border today than you were in the years prior to 1949?

MR. QUICK: Yes, sir.

ASSEMBLYMAN O'CONNELL: So it really isn't a question of needing additional personnel authorized by Congress for you to do a better job of policing the border, is it?

MR. QUICK: Well, that is the question. We were down here, three or four years ago, we were down to two men in Calexico, that is in the branch of the service that I work in, and while our work is principally narcotics, we have many other things to do also. Today stationed in Calexico we have five men, including myself, to work narcotics.

ASSEMBLYMAN O'CONNELL: If I were to come from Mexico, through the Customs Station, would it be Calexico?

MR. QUICK: Yes, sir.

ASSEMBLYMAN O'CONNELL: Driving my automobile, and you had never seen me before, knew nothing about me, what procedure would you or your men follow to ascertain whether or not I was trying to smuggle in narcotics?

MR. QUICK: Well, if we didn't know something about you, hadn't heard something about you as a possible law violator, or that your license had come up on our list as a suspect or something, chances are you would be asked two questions and permitted to proceed. The questions would be your nationality and given a chance to declare any merchandise that you might have acquired in Mexico.

ASSEMBLYMAN O'CONNELL: If I identified myself and said that I had nothing to declare and I wasn't otherwise a suspect, I would be permitted to proceed?

MR. QUICK: I am sure you would.

ASSEMBLYMAN O'CONNELL: Thank you.

MR. QUICK: I might clarify it just a little bit. The purpose of giving a person the opportunity to declare, if we know a person had a load of narcotics in his automobile, he would still be asked that question. In other words, the Customs law says that if you acquire any merchandise in a foreign country, it must be declared at the first port of arrival in the United States upon your return. Therefore, as to the question, "Have you acquired any merchandise in Mexico" or "Are you bringing in any merchandise from Mexico?" in other words, if you would come to Calexico and you had a kilo of heroin in your car, you declare it, we couldn't prosecute you. That is the point of trying to explain why the question is asked. It sounds silly, but we have people that go back and forth everyday, we ask them the same question. It is to be sure that you are given an opportunity to declare anything that you have with you.

CHAIRMAN CRAWFORD: That is because the federal laws with respect to narcotics depend on the Harrison Act, don't they?

MR. QUICK: Yes, sir. Revert back to the Harrison Act.

CHAIRMAN CRAWFORD: Assemblyman Weinberger.

ASSEMBLYMAN WEINBERGER: Right along that same line that Mr. O'Connell was talking, sir, if you do have information from whatever source, whether reliable or so on and so forth, then you are, of course, empowered to make the search, either there or further inland and keep them under observation. And, as I understand your previous testimony, you then are not bound by the necessity of proving that there is reasonable grounds for suspecting a felony was being committed, or anything of that sort, that you as a Customs officer, or because the Customs Service is involved, have a different status or a different set of rules under this law that you mentioned?

MR. QUICK: We don't resort to promiscuous searches.

ASSEMBLYMAN WEINBERGER: No, but I mean . . .

MR. QUICK: If we had reason to believe and felt that the person should be followed, that is worked out this way generally. Cases are going to be followed inland; many people go to foreign countries; these persons arrange for the narcotics, but they themselves don't bring it back. It is brought in by others unknown to us, and delivered to them at some other point in the United States.

ASSEMBLYMAN WEINBERGER: But the point is that because it crosses the border in this way and because of the prevalence of that sort of thing, and so on, the Customs officers are, so to speak, in a somewhat more favored or easier position than law enforcement officers of the State of California?

MR. QUICK: I would say so, yes, sir. I prefer my position to theirs.

ASSEMBLYMAN WEINBERGER: That is all. Thank you.

CHAIRMAN CRAWFORD: Are there any other questions from members of the Committee?

I have one further questions. Do you believe that a teen-ager could buy marijuana or heroin across the border? That is, is it more easily accessible there than it is here?

MR. QUICK: Yes, sir.

CHAIRMAN CRAWFORD: Can you tell us approximately how many cross the border at this port of entry annually?

MR. QUICK: May I say roughly five to six million people.

CHAIRMAN CRAWFORD: Thank you. Are there any other questions? We want to thank you for appearing here.

We have four more witnesses today; however, we have been invited to a luncheon - I believe the senator here in Calexico.

Lieutenant Weaver, can you be with us this afternoon.

LIEUTENANT WEAVER: Yes.

CHAIRMAN CRAWFORD: Sergeant Cota? He will not be here. Lieutenant Santos?

LIEUTENANT SANTOS: Yes, sir.

CHAIRMAN CRAWFORD: Thank you. In that case, I suggest we recess until the hour of 2:00 p. m.

. . . Whereupon the hearing was duly recessed for lunch.

...The afternoon session of the public hearing of the Assembly Interim Committee on Judiciary, Subcommittee on Police Administration, was convened at 2:30 p.m., Tuesday, February 18, 1958, in the Farm Bureau Building, 1000 Broadway, El Centro, California, Assemblyman George G. Crawford, Chairman, presiding...

CHAIRMAN CRAWFORD: The Assembly Subcommittee on Police Administration and Narcotics will come to order. Our first witness is John Doe, who will testify regarding his experience with narcotic addiction. First of all, Mr. Doe, if you could give us some testimony concerning how you became addicted, some of the experiences... just tell us whatever you want to, and then we may ask you some questions. Your identity will be protected.

ANONYMOUS WITNESS

WITNESS: I have some notes here-- a few assorted notes -- but I would like to clarify one thing before I say even anything about my own personal problem or my own personal experience, that is that there has been a lot of misrepresenting narcotics such as barbiturates and marijuana, and so forth, being substituted, called dope and narcotics in the newspapers -- men loaded and so forth on dope and one benzedrine tablet kills three, and then that the average people feel that this is the same as heroin. But the barbiturates are in one category, by themselves, they are barbiturates, as benzedrine and codeine, for instance. And then you have marijuana, which is the most widely known and widely used. It's been around probably longer than the rest here in this country. Then, you come to the opiates, which would be last - morphine, cocaine, heroin and then the synthetic drugstore narcotics, such as dilaudid, menafon and methadon, and the rest. Then you have "mud" which is the drugs and ...

ASSEMBLYMAN BURTON: Excuse me a moment -- what did you say?

WITNESS: Mud. M-u-d they call it, slang - "mud" it's because it's the waste material off the top of heroin and they cook it -- they have to cook it, say like fudge; then you take the waste material off the top and it's ashes, and then it has a sort of sticky substance-- they put it in cans and call it "mud". You can shoot this with a hypodermic needle.

ASSEMBLYMAN BURTON: Excuse me, before you go on -- George, am I correct in assuming that to whatever extent we can he will be given some kind of immunity for anything he says here today? Is that understood?

CHAIRMAN CRAWFORD: That is understood.

ASSEMBLYMAN BURTON: And he will be given the immunity to the extent that he testifies today?

CHAIRMAN CRAWFORD: That is right.

ASSEMBLYMAN BURTON: All right.

WITNESS: These are not my own facts, and they aren't assertions. These are facts.

ASSEMBLYMAN BURTON: Yes.

WITNESS: And I've taken these from Lexington and Forth Worth census papers. Now, the barbiturates, such as the benzedrine, they are commonly known as "bennies" or truck drivers refer to them as "road aspirin" and these have a mild stimulation - it's an elation, actually. It creates insomnia, kills all appetite, and it make the body work overtime. It can produce twice its amount. This energy that's burned up by the use of benzedrine must be replaced, however, and by that fact alone, benzedrine is in itself, addicting. Now, people who use benzedrine resort to codeine, or red-devils or yellow-jackets -- those are slang names for different types of codeine, which would produce sleep, and kill the insomnia. Therefore, the system is vacillating backwards and forwards between these two, while the barbiturate addict is addicted and if the barbiturate addict stays long enough on barbiturates, then when he has his withdrawal pains -- they are comparable to that of the heroin addict - at times worse - and if he's been on it 4 or 5 years, usually his heart can't take it because his system is convulsing at both ends, whereas heroin has one reaction after the other. You can time them and if you "kicked" once you can name them.

Pills, you never know - it is according to a person's system. Codeine usually is given to women - remember three empirin compound tablets is how the average fellow would get a hold of it; possibly, his mother had them for pain pills, but these are the most common. These are what you would probably find on the open market because they are easily obtainable.

Benzedrine and dexedrine -- dexedrine is used for losing weight. They come in 5, 10, and 20 grain tablets. They are easy to get. Now, that is for the barbiturate, and that leaves it as barbiturate, not just dope - referred to as dope and left at that.

Next is marijuana which, in itself, is not habit-forming. This is bad. The body neither builds up a resistance to marijuana nor does the body eventually depend on marijuana for any of its functions of its respiratorial, circulatory systems, or lymphatic systems, or any systems, as far as that goes. It merely has an elation - it is an intoxicating elation. It puts the person in a jovial atmosphere, sort of semi-Utopia, I would suppose. It lasts, say - you smoke it like a cigarette - one dose - can be referred to as a dose - it lasts 4 or 5 hours, and then the person will become drowsy, sleepy, and probably go to sleep.

When you are intoxicated, or under the influence of marijuana, you have an almost insatiable appetite - you can eat anything - three times the amount - usually you see people that smoke marijuana - they call them "grasshoppers" - healthy grasshoppers or happy grasshoppers because they eat and drink and be merry - that is what they do.

But, all of these things - this is leading up to the opiate. This is known - this routine I just came through, right here, from the barbiturate to the marijuana and to the opiate. It is the snowball - I call it the snowball, because it starts rolling downhill, it gains momentum and pretty soon you have an almost insurmountable

object in front of you, and it takes more than you to stop it. You don't realize this until it is too late - some do - some stop at benzedrine - some stop at codeine - some stop at marijuana - a lot of them do - 15 or 16 years they have smoked marijuana and never touched heroin. It is all according to the individual's psychological need, or something, for an escape and usually someone that wouldn't even attempt to use any type of narcotic wants to escape, and your drug addict is the one who wants to escape altogether.

Now, myself - I moved from northern California to Los Angeles. I had lived in Los Angeles prior to that, but had no contact with narcotic. None at all. Then I moved from Bell Gardens, I believe, up north to Tulare County, stayed for two years and worked on a farm. When I was 14, moved back to Los Angeles, to the Lynwood area, which is next to Watts which is southwest Los Angeles, which has one of the highest crime rates per capita of any specific area in the United States, as a whole. It is mostly colored people and Mexicans and a few whites in that area. They are underprivileged; and I moved there and we were well set at the time. Bought a new house, new car, so forth from money derived from farming.

Then, my father had cancer - we lost everything - I got a job in a drugstore and buying clothes to go to school, it was difficult - impossible for my mother to do it alone, and I found that people paid money for benzedrine - they would pay 10¢ a piece or \$1 a roll, which was 10 benzedrine tablets wrapped in cellophane, so I sold benzedrine.

At that time, also prophylactics and cigarettes which are illegal when you are 15 years old - 14 years old. You could get 50¢ a pack for cigarettes. This also had its glory, because it made me an individual and it made me fight back at something I didn't know what I wanted to fight. I knew that. I wanted to be an individual and so this is the way I showed my individualism, I suppose, at that time, without knowing it, because I sold anything and everything that made me money and bought clothes for myself and my brother, even bought a car.

At that time, through selling the barbiturates, I came in contact with people who smoked marijuana. They were older fellows - 18 and 19 years old. When you are 15 you look at a fellow 18 or 19, he is a giant in your eyes, especially if he is a giant in everyone else's eyes; and if you are trying to be an individualist at that age and you look at one of these nefarious gentlemen, he would probably look like Aaron Burr or Lloyd Nolan, something of that nature, so you're game for anything. So I smoked marijuana and then I found out you could sell it, and it was easily obtained in that area, so I sold that too.

I moved from that area when I was 16, almost 17, to San Fernando, California. I went to Van Nuys High School there for 3 days - the kids in Van Nuys High School didn't like me because of my appearance. I was semi-pachuco, long hair, built-up shoes, peg pants. They threw me out on my ear. They offered to cut my hair at one time, and thought differently of it because I grew up where you don't play - they gave me sheep-shears to cut my hair, so I went back three days, and three days I got thrown out, so I went to Canoga Park, California, which is 7 miles away to go to school. It is 75% Mexican, and there I was at home. There, the first day I went to school, I got loaded

again. Marijuana was hard to get because the Narcotics Squad there was better equipped and it was a smaller community. They could afford the time - they could afford the effort to seek out individuals and gain information, and do case work. It was pretty tight, but I could go back to Los Angeles, buy for half the price and sell there for double the price, so I started dealing there again.

At this time, at the age of 17, I had met certain people who were referred to as "junkies", dope fiends. They usually were pretty skinny, but usually they were pretty sharp. They didn't laugh too much - they were silent, they were swift, sure, and they were impressive to me, and it seemed they had a certain countenance about them that gave them their own two feet. They were backed up against the world and this is what I was looking for - an army backed up against the world so I joined their army - I sold heroin before I used it. But then I joined the army and the snowball kept rolling, started shooting heroin, found out that I had what they call an insatiable narcotic's appetite. It isn't satisfied - and as long as the narcotics was there I used it.

CHAIRMAN CRAWFORD: Pardon me. At what age was this?

WITNESS: This was at 17, going on 18.

CHAIRMAN CRAWFORD: Thank you.

WITNESS: In that period, at that age, 17, I met my wife-to-be. She was at that time 22 years old, doing postgraduate course at the high school where I was. An extremely beautiful girl, highly educated, good family, money, and so forth. She was impressed by me and I by her, by some freak fate of circumstance. We started going together, and I influenced her to smoke marijuana rather than drink, because she was almost at that time an alcoholic. I knew that marijuana was better for her than the alcohol. Not better for her actually, but alcohol was worse for her system, and we smoked marijuana together and as she grew to know me, she found out that I used heroin. She left me because of that, but came back shortly afterwards, and started using heroin herself.

This was at the age of 18 that I was going pretty strong, and I was arrested - in my home. I was arrested with a pound and half of marijuana - about a pound and a half. It was a wind-up - they had been watching me for a long time. I had 2 or 3 partners that were in this situation with me. We didn't make little money. We made good money - money that you gentlemen would like to make - you probably make it . . .

ASSEMBLYMAN BURTON: What is good money?

WITNESS: Good money is three or four hundred dollars a day, that is good money, and we made it at 18 and this, naturally, inflated my ego. I won't say I didn't have sick days--some days I didn't make a dime - some days I was sick, but some days I made more than three or four hundred. This was according to circumstances - how hot it was, if there was a drive on, if it was close to Christmas, they always clean up all the dope addicts. If some lady screamed her baby got raped by a dope fiend because he yelled and screamed, it got pretty hot in the neighborhood, you don't make any money.

But when you can make money when, I could say, when the man is not around, when the heat's not on, but this is the way I lived, my wife and I, hustling from day to day. When it got too hot to deal, and they put too many good narcotic officers in the field, new ones - young Mexican fellows, like Diaz, Bottaros, fellows like that who looked more like dope addicts than I did - I looked like a young college graduate and more like a narcotic officer should look was the way I looked, and they looked like a dope fiend should look. And, they made a lot of arrests - sometimes 125 secret indictments at a crack from one fellow. They'd wind all the way through the county jail, sleep in the same bunk with you, eat off the same table, come back to your neighborhood and take 125 of you to jail, at one crack.

So, when these people started invading the scene, less and less people wanted to deal, so the ones that were game enough to deal or thought they were smart enough to get away with it, made a lot more money, and it was a pretty top spot. But you weren't a dealer long because you were known about right away, even knocking on your doors at all hours of the night. And there were trips to Mexico which need to be made unless you deal big enough to have someone make them for you, or have a runner. And getting back and forth across the border became more difficult as they passed the Marks Law. This slowed things down. This made dealing rougher and made dealing more profitable for the dealer.

ASSEMBLYMAN BURTON: Which law is that?

WITNESS: The Marks Law - they passed in Mexico. They didn't used to have a law for hypodermic needle marks on your arms. You could go to the border and show them your arms and just be literally covered with marks and tell them "Yes, I'm a dope addict" and they would pass you right through. They passed the Marks Law and, I think, it is a \$5 fine or two days in jail, or something like that, and well, anyway two days is a lifetime if you don't have the narcotics that you need.

Consequently, people slowed down because in that two days the federal government could be notified and you have one helluva time getting out of Mexico unless you swam that river or crashed the border. Either one of them is almost an impossibility physically. And so, then, dope becomes big business, syndicated in Los Angeles, and the little man's pushed out - the new dealer has to go on the street, hustling, boost, steal; before that, he was selling among those that used dope; there were a lot of small dealers - therefore they eliminated a lot of small dealers.

When you take away the small dealer, in his place you get a con man, a short con artist who plays con games and talks them out of their money - trick games like "drop the drag" and "blow up", all those names I couldn't explain to you. It wouldn't be fair, but you can look in the police files and find out what everyone of them are, the "pigeon drop". You get those people - they're the sharpest - they talk faster, their minds click faster.

But then you have the petty thief who steals cigarettes, steals anything that he can fence off or sell to someone - steal clothing. You get your professional till-tappers. You get all these people, and

there's a lot of heat on, and you can't deal and you can't move, you can't go to Mexico, you can't get dope; except from certain individuals who will sell it. And, those individuals, instead of paying \$14 a gram, you'll pay twice that - you'll pay \$25 for ten caps of heroin. A fair habit is 6 grams a day. A good habit is 10 grams a day . . .

ASSEMBLYMAN BURTON: Will you say that slowly, please?

WITNESS: I say, a good, running habit would be 6 grams a day. Somebody that was really hooked bad would be shooting between 6 and 10 grams a day - that's a lot of dope, at \$25 a gram, if you have to pay that much. So if a husband and wife team together, are only shooting 4 grams a day a piece, that's 8 grams a day at \$25 a gram. They are hustling \$200 a day, seven days a week, which, gentlemen, is almost \$1,500 a week - 52 weeks out of the year if they can make it, and that's a lot of dealing when you're getting \$1 for a package of cigarettes; or 50¢ a pair for hose. When you have to tap a till at \$50 a piece, you have to tap a lot of tills - you run pretty hard. In fact, when you do get cornered, you're either so tired that you're going to hold court right there, if you have a gun; you're so mentally exhausted and so physically emaciated, it really doesn't matter any more, or you're going to sit down and throw up your hands and be glad that you are finally going to get to go to jail so that you can rest, because you really didn't know why you were running anyway so fast. In fact, you don't think about it too much. Why should I run this fast? You just don't think about it when you are running.

When I was 19 years old, I was arrested in Monteria (?) in West Los Angeles - in the hole. What we call the "hole". That is where you get all these gangs that you read about in the paper. . . white men gangs, avenues: Hazard, Loder, Templin, Flat, that whole area out there. Five years ago the police didn't drive through that area unless there were 4 or 5 of them in the car and they covered themselves front and back, because somebody was going to get shot. Somebody was going to get hurt. They didn't play there. They had policemen that were policemen, and criminals that were criminals, and everybody played the part right to the hilt, and on their little stage of life they played their toughest roles, so they say in the institution vernacular.

But, now, narcotics is there, and this is one of the things that cemented relationships between the Mexicans, the Caucasians, or "patties" as they call them - they call white guys "patties" - or Negroes, or miottas (?) - guys that you would "rat" back before and shoot at if you saw them, if you were that type of individual. I, myself, thank God, wasn't.

I was always a little backward as far as molesting someone or hurting someone. But all of these people combined so that they could obtain narcotics, and you were no more fighting neighborhoods anymore. You were fighting an army. An army that is growing everyday - an army that you spend sixteen million dollars a year in California alone to house because they build a new institution every year in California. The last one was Deuel Vocational Institution - it cost \$14 million, and cost almost \$5 million a year to run it. That's a lot of money.

You've got almost 7 or 8 institutions and you're getting one every year in California. There's one being built right in Chino now, which will be a youth center institution. You can't equip that many institutions when you've got maximum institutions. You have to hire guards and so forth, and then you let the fellow out and three months later you have to support him again for a longer time. You let him out and 6 months after that you are supporting him again, for life.

So, every young potential dope addict that breeds in this type of community, or breeds anyplace, is going to be a parasite the rest of his life, and his host will be the State of California if that's the state he's from. This is his life. 97% of the narcotic addicts that go to Lexington, Kentucky, and Fort Worth don't make it. They can prove that on paper - they don't make it. They say that the other 2% they are not real sure of, but about 1½% of those are liars. And they're right - it's hard to make it.

ASSEMBLYMAN BURTON: What do you mean by "make"?

WITNESS: By "make it" - outside. Just to make an everyday living, is what we call "making it". Just be out here, joining the mediocrity, be uplifting, something you've hated all your life, five days a week, carrying a lunch pail, go to church on Sundays, and drink beer on Saturday - I used to call them "weekend warriors". Everybody I saw with a lunch paid was a "weekend warrior" to me, and I didn't want his existence. I'd rather take the chances on mine, rather than live like he did, because he had absolutely nothing, an everyday humdrum life.

I lived more in one day than he probably would all his life. I could repeat one day of my life to him verbatim and he would call me a liar every five minutes. Then, I probably wouldn't even fill in details for the man. But this is what they called the "game". They say that 50% of the narcotic addiction is the game, and that is running. That's hustling, that's taking money from people to give that money up to you - that's stealing for some money; that's obtaining the money and obtaining the dope all in one day; that's two climaxes, right there in one day, plus the physical climax, plus the physical need.

You work five years to buy a Fleetwood Cadillac, so that you can buy it leisurely, cash on the line. He works 15 minutes so that he can buy something priceless, something that you can't compare - dope is good. If you could take all your problems that you've ever had; if you could place yourself back in time, or forward in time, to the time in your life where you would be at the depths of melancholy depression, and you could exclude all that, you could cast all that from your mind, and just be tranquil, be peaceful, and not have any trouble, have all those little picture-window letters that they send you through the mail, and just stack them and paste your walls with them, it wouldn't bother you a bit, because you've found contentment, so to speak. Your mind's at rest.

You have seen the times that you've said "I'd give a million dollars if I could rest just five minutes" - well, this fellow is doing it about 15 times a day - maybe 5 times a day. But you've got that, you've got this climax - this fulfilment of this cycle. You've stole the money; you've scored the dough, he shot the dough; a tip, he goes and does it again. It gets good to him, but he gets

tired running, so when you capture one of these individuals, and - what do you do with him? They wonder. Nobody knows. So, they strap him to a table if you take him to the hospital, and let him kick - "cold turkey" they call it, or various different names.

Anyway, you have withdrawal pains, that is every muscle in your body twitching, going at you, all of your systems - coming out of both ends - your eyes are watering, your ears are watering, the wax is coming out, your teeth are falling out, the marrow in your bones is actually jelly - you have muscular spasms, circulatory spasms, you bleed internally, you've probably been constipated for four or five months, maybe, some three months if you don't take care of yourself - this is there - this comes out too. All of it at one time.

You have insomnia; you have back pain - it will knock you out at times - it will drive you insane at other times. Except that narcotics, heroin won't let you go all the way out, and won't let you lose your memory altogether. It keeps you right there in this tranquil light where you can get a good look at yourself, all the time you are taking you can feel every little pain. You don't miss one, even when you're out. You wake up feeling them.

My last one took 28 days; 24, I slept. It's a long time, and I didn't have one of the worst habits. I had a pretty good one - some fellows come in and - the majority of them, as a matter of fact - actually 70% of them will come in your jail, cry that night, probably won't sleep but they'll get up and eat breakfast the next morning. That was their habit. But they have to have \$50 a day for that one, and they stole that. You've got a lot of them.

But the next time - the next time they go out, they herd 4 or 5 guys sitting around in one cell - in a hype tank, say - and there's 85 or 90 hypes - old-timers, old hustlers, talking about shooting all this dope, talking about con games and hustling games, and to a young man, that's impressive, especially if you're bound in a life of crime. You don't want to quit shooting narcotics - you don't know why, but you don't want it any other way. You're going to go out - and if you do, you're unleashing an animal in society, when you let one of those young fellows out of there, and that mental status - he's ready for you. He says "Here I come, honest John" and there you are - he's going to get you, or you're going to get him.

These aren't kids of below mental capacity. They're either average or above. If you look at the census of any institution, your narcotic addicts in those institutions will be your higher calibre mentally. They actually run institutions. In fact, they separate them because they band together. They have something in common that not everybody else has. Everybody else in the institution or the jail is an "apple" or "duck". They call them different names, or fools. You consider yourself sharp and keen because everybody else does, so consequently you keep up that status quo - at all costs.

And this is the mystery around narcotic - this is the mystery that your 9, 10, 11, 12, or 13-year old boys - when they think about a dope addict, it scares them. When they think about going down a hill 100 miles an hour in a car, it scares them too. Same thing right in the pit of your stomach, and he is going to do one or the

other if, psychologically he's ripe for it. You never know. You don't know what your wife does to your child when you're gone. She might grab the kid and just hug him to death all day until you get home. Baby him all day. He couldn't have a better mother. He couldn't have a better father - has everything in the world. He's also got one of the most violent complexes imaginable. He is so neurotic that he probably taps on door handles before he opens them at the age of 13. Probably turns left when something in his mind says he should have turned right. Probably has two personalities, one for his father and one for his mother. This makes him a compulsive, neurotic, almost schizophrenic, above having an edible complex, the violent love for the mother and the ambivalent feelings toward the father.

He could have this for two years, and then, he could be 17 and know that next year he's graduating from high school, and all the necessities of life that have been produced for him by mom and dad are going to be his problem, or that Uncle Sam is going to get ahold of him - anyway, he's going to have to be a man. This is impossible. He's been raised like a child - he'll be a child. Although he's got all this love and affection from an educated home - his father is a professor of a university, possibly, his mother is there too. I know 4 or 5 of them. His father might be a doctor.

Too much love, or not enough love, you never know how your child is mentally unless you test him, unless you take the time to give him a test like Kruger preference test to see what he would like to do best, play music or blow a horn - who cares? He might not live long enough to do it.

You grab these fellows off the streets and treat them like animals. You put them in a tank, 4' x 4', all iron with a hole in the middle of the floor, give him two blankets; they beg you for an aspirin; and you've got some ignoramus there, some individual 9' tall --he might even be a sadist--there's a lot of them in institutions and jails throughout California - don't kid yourself, they're there. I'll tell you, I know. And they look at you and they tell you "shoot it out the way you shot it in, fellow" and slam a door on you. So, you lay there and you kick, and you kick, and you kick, and who do you hate? You hate anybody but someone next to you. You hate anybody on the other side of the wall.

They segregate you, they ostracize you, they make you a pariah to their society, because you needed a crutch; you needed a crutch and it wasn't there, so you took one, you found one, somebody gave you one, and you accepted it and you used it, and you got kicked in the teeth for it, and you'll get kicked in the teeth for it even if you put that crutch down, believe me.

I got out of the institution, and that is Deuel Vocational Institution. I was the librarian there. I was President of Narcotics Anonymous group, editor of the institution newspaper, secretary of the Toastmasters' Club, something I didn't do in high school. Everything I missed, I did there. I, also, was psychoanalyzed by a trained analyst, one of the best men I know. He was a real man, he was a young man, and he was a fighter. And he helped the State of California, and he thought the upper echelon would give a break.

Somebody who needed money; he took time out of his life and gave it to somebody, a full hour. It didn't mean much, except to that particular person. He had maybe twenty on his caseload. It's the Pico group. It is a group of young psychiatrists and they are all die-hards. Some of them are Englishmen from England. They talk like Englishmen; some of them have drawls from the Bronx. They were young fighters; they have banded together there; I don't know, I knew the fellow's name who had them, who sponsored them, but they're doing wonderful work. That is all that saved me.

I was analyzed and I studied psychology while I was being analyzed. I found out what my complexes were. I tried to cure them. They're not all cured, but most of them are, the main ones. Anyway, I found out what I needed. I found out what I can do. When I got out he was there to shake my hand and I analyzed it. Nobody from Custody would spit on you. Custody fights these people. They come down to the "hole" if you get thrown in the "hole". I was thrown in the "hole" for aiding and abetting and writing a writ of habeas corpus. I got seven days for it in the "hole", stripped cell and silence status.

ASSEMBLYMAN BURTON: Will you repeat that again?

WITNESS: Stripped cell, they take everything out of the cell, and they close the door. Silence status, it's quiet in there. It is pretty bad. This is as far as they go, except the next step is giving you "R.D." sandwiches, that is rational diet, scraps from the kitchen frozen. That is the next step before you go to "seg". And we won't go into what happens over there because you can't assert something like that. Anyway, they take care of you; they finish you.

But the boys from Pico will come down there and they'll see you, and they'll take you out of the "hole" and they'll sit there and talk to you, like you are a man, and they will smile at you and treat you like a human being. And I had 7 days beard, all blue - blue jeans. You looked pretty bad, but they'll laugh at you and say, "Boy, you look like hell". They don't look at you like you were a child, feel sorry for you like you are an animal; the man is a man, you realize this. You trust this man, he's an analyst; he's helped you.

You should see those statistics this year. It's astounding. In fact people don't believe it. In fact, people come from New York out here to see those people and talk to their caseload. It's the best thing going for anyone with a problem. I was fortunate at that institution. I went into hospital or county jail time. One of them in a year and one of them at 4 months. I got sent to an institution, and I was fortunate. I did 9 months in the county jail, 14 months in the institution. Two years, then I was released.

I came out and my wife had sold everything that I owned, even my shoes, my entire wardrobe. I had \$6. But I came to this town and it was an aunt and an uncle and worked as a laborer swinging pick hammer in the sun and it gets 120 in the shade down here and the humidity is unbearable. Some of you live here, you know.

But my wife wanted to come back to me. I loved her very much, but I had to send her away because I knew that we couldn't live together. She was neurotic and so was I, and two neurotic people

don't make a life. She had to go and I sent her away, bawling and screaming. Part of my life, 5 years of it. I mailed her like so much baggage.

A lot of things I turned down while I left my home in Van Nuys to move down here, and I knew everyone there. Changed my life--I was a man, he treated me like a man - he didn't tell me to, he asked me to-- he recommended it for my health -- he said that a man who isn't supposed to go in the ocean doesn't move down by the beach to improve himself. He might go to the mountains, it would be a good thing for him, so I did. But I didn't know if I was going to make it, and at times I thought I wasn't going to make it because on parole you are very limited. I can't get a driver's license.

They still consider me a narcotic addict. I cannot get a bond; therefore, I can't work anyplace that handles money. How many does that exclude? In this town? It is these, I'll tell you, that it leaves, the ones you have to have a driver's license to get to. I offered to sweep a man's floor, for \$1 an hour, and this man couldn't speak the English language--in fact, he mutilated it. I offered to sweep his floors, and the man wouldn't let me, so I gritted my teeth and I went on. I'm not blowing my own horn. I didn't have the guts to do it. I did it because someone treated me like a human being, and I was going to show them that I was a human being once. I was going to give him a break, so to speak, as it was the way I felt. Besides there was my mother and my father and all the people that I owe for helping me.

Then I got a job here from another fellow, business man in town. I worked seven months for that man and I made that kind of money. It shows on the books - it's there right now. He'll give you references to the effect, should you ask for them. He has them, if he doesn't, I have them in my mind. I can write them down on paper, and duplicate them in his books. But he fired me because he was afraid of me. He fired me because this is the way he rationalized for having fired me. I don't know the other reason - I can only assume. He said, "I'm afraid of you because you might start needing more money than you can make working." I knew this to be true because I was working 14 hours a day, 7 days a week, for \$77 a week, before income tax. I got paid every two weeks, and every two weeks I went in the hole \$40. So he let me go. He promised me the moon when I started and that's what I ended up with - a handful of stones.

But I'm working for another fellow now who is - doesn't profess to be the kindest man in the world. He is a business man. He says, "make money, and I make money. If you don't make money, you go." Good enough. This is the way I am used to dealing with. I don't want to be pampered. So I would rather starve to death working for that man than make \$200 a day working for the other man because I don't trust him anymore. It is those types of individuals that make people lose faith in humanity; that make your parolees, your armed robbers and so forth, go back and rob. They don't rob for the money. They rob so they can stick a gun in your stomach and say "Give me your money", and you are twice as big as they are, but you give them your money, or you'll get shot. They didn't want your money. They want to see you give it to them. They could throw it away.

A psychological problem. That is what makes a dope fiend punch holes in his arm, and try to steal from you, because he's lost faith in humanity; first with his parents; then he gets out on parole, becomes a victim of circumstance, gets caught in a web, and fights back. It happens - I've seen it happen a hundred times. I've seen them last two weeks and come back - just two weeks. Kids that I knew were going to make it - I've seen any numbers beg for psychological treatment, beg for a little psychiatric treatment, actually. Fellows that were hardened criminals, considered as such, actually break down. They're going home in a year; they know that can't make it. They'll come in from a visit from their wife and their children are growing up, and go in and say "Doc, give me some help, I need it. Send me some place if you have to, send me to another penal." But that's a hell hole, that's a snake pit. But they'll check and they get turned flat down, gentlemen, flat down, talked to like a dirty dog. I've seen it. They pick you out of a telephone book for psychiatric treatment at random, and I was one of the fortunate ones. Their finger stopped on my name.

Yet this year they will spend another \$16 million building another institution and they will have people to fill it. I'll guarantee you that. But that doctor and that pharmacist -- that is one thing I wanted to say.

Also, from your statistics at 100%, 75, or 72½% of all your dope fiends in the United States are the cream of the crop, are doctors or dentists, practitioners of some sort, or druggists - at 75% in any of your hospitals - that's your hospital census. 25% are the ones that fill your jails - just a mere 25%, and it is costing a lot of money for those. It is because the doctors have been at it longer - most of your doctors that are dope fiends, as they are so-called, are old timers, and just look at the young army you've got coming up.

Look what in 25 years, the situation you're going to be confronted with, and it isn't something that you can let slide by lightly. It isn't something that you can just give a passing thought to one day, and let it slide because you have to go for a drive with the wife, or you have to do this or that, or you have to do something. Give a dollar, make a phone call, do something. I told the fellows in the next cell, "All I can do is tell them you're up here if I ever get a chance" and this is the first chance I've had, and they're up there.

I left 50 of them in the Narcotics Anonymous group, and everyone of them - everyone of them are princes of fellows, they stand up like that wall right there. Do anything for you, love their mothers and fathers; they're sick and they need help, and they're not going to get it. Those people say one day, "That is right. That is what should happen. That is good." And they go to sleep on it that night and they wake up the next morning and never give it another thought. And he still gets the kick in the teeth. Underneath it is growing on you - on those people.

On the upstate fellows that are making money off the institutions --they make a lot of money off institutions, and it is growing on them, too. They're going to get caught in their own little web pretty soon. I've seen a lot of that money go down the drain. I had access to a set of books. It shows it. They're catching it every day. But they're filling institutions at the same time, and pretty soon the lid is going to blow wide open, in 5 more years. I estimate five more years,

especially in the Los Angeles area, because they can't cope with it. They don't have that many policemen that want to be policemen. I know 20 narcotic officers in one division - I know 6 of them that smoke marijuana. They bust somebody for a pound and they turn in a half pound. They are doing it and getting away with it. So the good ones, they have to fight their brothers - they have to fight the people that swore in with them. And they also have to catch somebody that they don't want to put in jail, because if they're the good ones, they know the kid is not wrong and they knew if they bust him for a sale his first time, he's going to go up for life, and that is wrong, because he might have stole one cap and that is it.

SENATOR BEARD: How long have you been off of it now?

WITNESS: Three years, approximately. I was arrested in 1956, on February 23, and that was the last time.

ASSEMBLYMAN BURTON: What were you arrested for?

WITNESS: Possession of heroin, 11,500 of the Health and Safety Code. For the prior possession of marijuana, also 11,500 of the Health and Safety Code. They found our prior.

ASSEMBLYMAN BURTON: Mr. Doe, I attended a Public Health Subcommittee on Narcotics last week in San Francisco and the statement was made that every high school in California is covered by a distribution system. Would you say that this would be correct?

WITNESS: It is a fallacy. That is one of the most - I can watch television and it is absolutely repulsive to see the proverbial dope pushers standing in some dark corner, actually grabbing some child and seducing him and pouring a few drops of heroin in his arm. I said the other day to one of these gentlemen here, "There's not one dope pusher that uses dope - most of them do - 95%, 99% of them do - that would give up three drops of dope for free - they don't do it." It is unheard of that anybody gives up anything for free.

CHAIRMAN CRAWFORD: We also heard testimony from one doctor who has contributed a great deal of his own money in attempting to alleviate the suffering of the addict, and who is using the basis that addiction is a symptom of organic nervous disturbance, and is using enzymes and has reported approximately 20 heroin addicts who have been taken off the habit within 5 to 7 days without suffering any withdrawal symptoms, and he stated that one of the symptoms that most of these individuals had was an intense craving for food. Does the addict feel this intense craving for food?

WITNESS: When the body has been deprived of . . . and the addict would diet for a period of six to eight months, it does crave milk, usually, because of the calcium content which covers most of your body. The rest would be sugar, which does satisfy your appetite much faster than anything else. Consequently your mind is conditioned to this, and when you are hungry right away, your body needs something, right away it thinks of sugar, and you want sugar. So usually there is candy and milk with the added full cream.

CHAIRMAN CRAWFORD: Now, there has also been said by two of the doctors . . .

WITNESS: There is a doctor on his enzymes. The salivary glands do retract and when withdrawal pains start, they secrete, and when you are actually under the influence of heroin your mouth is dry, your body is burning. It is full of poison, because actually all heroin is is a concentrated form of poison. Enough of it will kill you. It is like any other type of poison. But this thing will take him off easier, I grant that. But keeping him off, no. I mean, let them take him off in one day, but he will go back the next day.

CHAIRMAN CRAWFORD: Then you would say the addict is a person who has either a mental or psychological disturbance of some type?

WITNESS: Most definitely. He doesn't want to quit shooting dope, if you put up a stand and guarantee that you'll kick any habit in this state. Immunity won't kick your habit. You have an empty stand, except for a few people who are pretty burned out and they've hustled so long they couldn't run anymore, they'd come. The rest just want to shoot dope. They don't want to quit, or they wouldn't be shooting dope.

ASSEMBLYMAN BURTON: Does the use of dope, in your opinion, induce violence?

WITNESS: No. Never.

ASSEMBLYMAN BURTON: Neither heroin or marijuana, or any of these drugs . . .

WITNESS: Codeine, yes. Codeine will give you an extremely bad disposition.

ASSEMBLYMAN BURTON: Let me ask you this question. You know some people that were quiet when they were sober, but when they drink they get belligerent. Would heroin have that effect?

WITNESS: It is a depressant actually. It calms your nerves.

ASSEMBLYMAN BURTON: Is heroin a sexual stimulant?

WITNESS: A sexual stimulant the first time that you might shoot it because it warms your body by degrees. Actually you might be carrying a 103 degree temperature, and it hits you all at once. It is what they call a flash, and it hits your whole body from the top of your head to your feet, and it feels good all over. It makes you tingle all up and down and your sexual glands, or even the outside skin tissues on your privates will tingle more than the rest, because there are naturally thinner tissues and have more nerves, so this is where they get the sexual buzz from it. But after a person becomes addicted, their sexual abilities are stifled completely. I think I slept with my wife for the last six months that I was on the streets, running, twice, and I did it because it was the thing to do and I didn't do it because I wanted to. She was a beautiful woman.

ASSEMBLYMAN BURTON: Can you imagine a heroin addict being more cold to rape, either women or children, than a nonheroin addict?

WITNESS: A heroin addict, even if he wanted to, couldn't. It is a physical impossibility. Now with marijuana, he'd be happy,

buy it's a . . . these people who used to smoke "hashish" and become raiders of the streets and so forth a long time ago. They did . . . they smoked a lot of weed, but they also drank some pretty hard cognac behind it--and cognac and marijuana together will make an Indian chief out of anybody. He'd kill his mother. But just smoking marijuana . . . even if I didn't like you and never had and you were loaded, and I was, you'd smile at me and I'd laugh, and you'd laugh too. It's to cement relationships actually, but if you're smoking marijuana and drink a fifth of tokay, dropped 3 or 4 "bennies" and a couple of codeine, chase it down with some Budweiser, that is where they get this grabbing of little kids and raping people. I mean, dope stifles all that - you do that because you don't want to do it.

If you had any sex urge at all, you would be classified among the normal, but a dope fiend will walk down the street and Gina Lollobrigida could walk by stark naked, and he wouldn't even turn his head, because it wouldn't interest him; he has something much better, believe me. All she can do is cause him a momentary buzz - he's on a kick that's lasting him 24 hours a day as long as he can support it. When he can't do that anymore, he might take her as a secondary, possibly.

ASSEMBLYMAN BURTON: When you were addicted, if you found out that the next morning the State law had doubled the time of punishment, what effect, if any, would that have on your concern for your addiction?

WITNESS: I would go get myself a gun because it would be too much time to do and I couldn't possibly think about stopping, because you don't think about not shooting narcotics.

CHAIRMAN CRAWFORD: How about when you are selling, if you found out that the

WITNESS: If I wasn't hooked, I'd quit. If I'm selling it, I'd quit and start stealing, if I could steal, but most people can't steal. They get caught too easily, so they go ahead and deal, but they don't stop. You could say that you would electrocute every narcotic peddler that you caught, and there wouldn't be one person to kick - they'd just run faster and everybody would buy a gun and they would start war, because that is what you'd be declaring. You would be declaring war on an otherwise intelligent person, and they'll shoot you.

CHAIRMAN CRAWFORD: Do you say that the nonuser who is pushing it would quit if the penalties were increased, whereas the addict himself would keep on trying to get it.

WITNESS: He wouldn't even contemplate the situation. It doesn't even enter his mind, if he is going to stop using narcotics. Ask one, if you ever go to an institution, ask him this question, ask him if he can fathom in his mind if it is at all possible that he can see five years ahead of not shooting dope - a life without narcotics - even three years ahead. Drop it down to two years. If he is going to be out at the institution in six months, drop it down to seven months and he will tell you, "No, I can't see it out there without shooting up."

ASSEMBLYMAN FRANCIS: Sir, in regard to increasing the penalty, there have been some experiences in other states and with those states

when the heat really got on with the increased penalty and also greater law enforcement, they start leaving the states, particularly the pushers. Now couldn't the same results be obtained here in California, or don't you think they would even consider leaving the state to cross the border or . . .

WITNESS: They are big enough to fight back.

ASSEMBLYMAN FRANCIS: Who is big enough to fight back?

WITNESS: The narcotic situation. I said since all the races have amalgamated, they are a young army. And they are all good soldiers, because nobody is backing out. There's not one guy going to back out unless he gets scared, unless he's already caught. Then he is a rat; or an informer. I'll detest those particular type individuals until the day I die. I swear that.

ASSEMBLYMAN BURTON: You said earlier that you moved. Did your family move when you were going from school to school, or did you move personally?

WITNESS: My family moved.

ASSEMBLYMAN BURTON: Why did your family move? Because of circumstances of their own or solely because of your situation?

WITNESS: No, of their own. They never knew that I was using narcotics until I was eighteen years old and I was arrested the first time.

ASSEMBLYMAN BURTON: Did you find that the use of narcotics among high school children was more prevalent in the Spanish speaking and Negro areas than it was in the . . . in Van Nuys, for example?

WITNESS: Only because it was easier to obtain.

ASSEMBLYMAN BURTON: No, I am not asking why, but was there more use in your opinion in the Spanish speaking or predominately Spanish speaking, or Negro areas, than there were in the white areas?

WITNESS: Yes. But as a beginner, as a novice to the game, I found the Caucasian race much more willing to try it than either a Negro or a Spanish or Mexican fellow. They have never done it before. It would take a lot of coaxing to get one to do it. Even if he was your friend you just wanted to turn him on some weed which you think is perfectly harmless when using it.

ASSEMBLYMAN BURTON: That is the Caucasian children?

WITNESS: Usually they are pampered and babied and they are ready. They are game for anything. They want a kick out of life. They have been babied too long. Let's have something different. We've exhausted everything else. We've burned mother and father out, that's no kick anymore.

ASSEMBLYMAN BURTON: You said that you earn three or four hundred dollars a day. Now that was yourself, not counting these so-called partners of yours, is that right? Or was that three or four hundred dollars among more than just yourself?

WITNESS: Well, I shared it usually, or sometimes I kept it and usually I split it with my wife, because I never let her do anything.

ASSEMBLYMAN BURTON: What kind of an organizational setup did you have in terms of selling?

WITNESS: Just if I knew the person. I never sold to anybody that I didn't know.

ASSEMBLYMAN BURTON: Did you have others selling for you?

WITNESS: Not actually. It is more or less a partnership and not actually that. It was abandoned people banded together that were being hunted down and if they moved in one circle and moved back in the other circle, then everybody knew who everybody else was so that they could cover each other.

ASSEMBLYMAN BURTON: Without going into names, how did you get your supply?

WITNESS: In Mexico.

ASSEMBLYMAN BURTON: This was when you were working in Los Angeles?

WITNESS: I went and got it.

ASSEMBLYMAN BURTON: You personally went and got it. Was that the usual method of people getting . . .

WITNESS: Not if you got the amount you are in. Say if you know a lot of people and if you grew up in the same neighborhood, lived there eight or nine years and everybody knew you and you were possibly stealing before narcotics came up. If you were a thief in 1947 and the narcotics fad hit in 1949 and you tried it, you would already be in with everybody that was thieving then, and by that time they had graduated and their big brother died and they took his place and you start dealing in narcotics and you are up there where you can buy narcotics cheaper than you can get it across the border.

ASSEMBLYMAN BURTON: Let me ask you this - are you what would be described as an independent operator in a sense? You supplied yourself in the main by trips you or others working with you made to Mexico?

WITNESS: Like every other dope fiend that is around, if you made a good score, say three or four hundred dollars, you go to the border and buy an ounce of dope with it, other than buy it by the gram. You get thirty-two ounces or twenty-eight ounces, actually 28 grams rather per ounce for three hundred dollars. You come back; you'd sell 8 grams, make two hundred dollars back at \$25 a gram. Every dope fiend on the streets is a dope pusher. If he's got enough . . . If I'm shooting five caps a day and I buy a gram for \$25, and I sell five of those caps at \$5 a piece, I've made my \$25 back plus I kept five caps free for myself and everyone of them out there will do that.

ASSEMBLYMAN BURTON: What percentage of the people had your kind of operation as distinguished from . . . let me put the question this way - is there an organization in the same sense that

you have a regular sales or business organization? Which of the two forms do you have, a sales organizational structure like a business, or is it the sort of thing where everybody has to sell part of what they are buying in order to get enough money to make the next purchase?

WITNESS: The latter because if you start organizing then you are making an organization. Then you are starting a machine; and then you will not only be fighting the narcotics law enforcement, you will be fighting the machine.

ASSEMBLYMAN BURTON: You made a statement though that the small dealers were pushed out and the syndicate took over. Now what did you mean by that?

WITNESS: If the heat is put on, what's the small dealer going to do? Who is going to cry? I mean if somebody has to go to jail, it isn't going to be a narcotics officer. It isn't going to be somebody whose name you don't know. It's going to be the man he put in front of him who is your everyday on-the-block pusher. He is the fellow that gets put right dead across. He gets smashed and nobody takes his place. That is all that is left, a big man there. So he's got to get people he can trust; he'd have to syndicate. That is only logical thinking there. That is not a planned organization. There isn't that many kind of organizations, I wouldn't think, in California.

ASSEMBLYMAN HOUSE: Did you find it comparatively easy to make your purchases in Mexico, and would you care to detail that a little more for us?

WITNESS: It isn't easy to buy dope anyplace. This is another fallacy. You don't walk into any neighborhood in Los Angeles and buy dope. You don't do it in this town either. I have never, since I've been here in seven months, been approached to buy narcotics either here or in Mexicali. And I've been to Mexicali and walked down the streets and no one has offered to sell me any dope at all.

ASSEMBLYMAN HOUSE: Will you detail a little more for us if you could? Your operations in Mexico when you made the purchases down there, how did you make your contacts?

WITNESS: A long time ago when I was sixteen years old, that was in 1949, dope was booming. There was no narcotics squad actually. The fellows on your narcotic squad were your burglary detail, armed robbery detail, forgery detail, and every other detail. Narcotics was a little sideline something you do on Saturdays or Sundays. So everybody ran wild. So I go over the border at sixteen years old and somebody said that is so and so, he sells dope. I say swell, here's my money. So, sixteen, seventeen, eighteen as I go up, times get harder, he gets bigger but I'm still going back. He knew me when I was sixteen.

ASSEMBLYMAN HOUSE: Your profits increase accordingly, I suppose?

WITNESS: He grows and pretty soon maybe he might even become the head of a small syndicate in Mexico, but you knew him when he was

dealing it on the street, when you were 16 and he was 28. He'll be 35 and you will still be a young man. You'll have the same connections.

ASSEMBLYMAN BURTON: I am sorry, Mr. Chairman, I know that we have other witnesses, but I for one am very disturbed about this narcotics' problem. It is a very big problem in my district and in the social sense, not in the political sense, and if you have the patience, I would like to ask a few more questions.

CHAIRMAN CRAWFORD: Mr. Burton, I agree with you that this is very valuable information and I realize that all of us are vitally interested otherwise we wouldn't be on this committee; however, we were late in getting back from lunch and we have had these other witnesses waiting and if you could keep the questions to a minimum?

ASSEMBLYMAN BURTON: All right, I will try to keep them to an irreducible minimum.

You made the statement, as I gathered it, that when there is a crackdown, the pushers tend to stop selling off their dope because the supply is reduced a little so they keep whatever they can get themselves and then turn to other forms of crime like theft, or the various con games in order to get the money to supply themselves, is that your statement?

WITNESS: (Sure.)

ASSEMBLYMAN BURTON: In about four sentences, you tell us what you think the policy . . .

CHAIRMAN CRAWFORD: Mr. Burton, in his last answer he just shook his head, does the record . . .

ASSEMBLYMAN BURTON: "Sure", he said.

As briefly as possible, you tell this committee what you would recommend in terms of punishment of (1) the addicts and (2) the pushers and next what you would do to try to dry up the sources of the supply of dope.

WITNESS: Very well. Number one, you segregate--the user-pusher, your nonuser-pusher. Your nonuser-pusher is an animal because he is making a profit on the smashed emotions, smashed mental status of another human being. To that man I couldn't describe the penalty, because I wouldn't know where to start trying him.

To your addict-pusher, I would find out how much of an addict he was. If he was just chipping around--if he was really hooked, he would sell dope in comparison with his habit. He'd just hustle enough to support his habit. Did he buy a Cadillac and have a house in Bel Air? I would punish him according to the amount of dope that he sold, above and beyond the necessity or the amount that he needed to support his habit.

Then to your dope user, I would test first and if at all possible send him to an institution or a hospital even if it is his first offense. No county jail time because it isn't doing him any good.

He's just getting healthy. Let him get some psychiatric treatment. They don't have to force it on him because you are not being psycho-analyzed. They don't give you a clinical analysis in two days. In fact they never give you a clinical analysis. You know as you go along how much you are progressing by the way you think. I would send them to this type of an institution and get him some help that will help him. Otherwise it is a superfluous effort on your part to even come and get the man. You are wasting your time and the state's money.

Second of all, or last question "How do you stop him in the first place?" The census say 97% of your addicts that are using, are hopeless. They are almost right. I will say they are hopeless because those people can't count on too much help. They've been around too long and probably most of them will be in jail too long. Now since the penalties have been raised and all they'll do is breed new dope addicts in jail. Fellows who have never tried it who hear fabulous tales and they can tell fabulous tales because usually most of them have an oral problem and they can talk very well.

So you would start in your grammar schools and you would pull the mystery away from narcotics. It would no longer be a mystery. It would be as plain as alcohol. The liquor stores. A child, you say - heroin, he knows . . . the content of heroin and the destructive ability. You say, opium . . . he knows it, he can spell it, it is in his spelling book and down at the bottom it tells what it is and what it does. You take mental tests and they can be given as cheaply as Kruger preference tests to see what mental status that child is in and go to his parents and talk to his parents, if that child is going on the rocks. With the 16 million dollars a year they spend on institutions, they could do it easily. Half the money, save the other half. Throw it away. Burn it. But they will save half the money.

And you chop it at the bottom and the big dealer pretty soon won't have anybody to deal to. And he can't make any money. The little pusher doesn't have the littler guy that's coming up, that he is counting on. Consequently, he has to steal. Then pretty soon he's extinct because he is in the penitentiary, in prison, or he is dead. Then he is extinct and pretty soon the big man will be sitting on top of his pile of narcotics wondering what he is going to do with it.

Just like someone who has a lot of typhoid fever pills and they come along with a serum that cures typhoid. He is stuck with it and so will be your big man. This is the only way you are going to do it is to catch it at the root. You smash it from the top and you are smashing your head against a stone wall because it is springing up from the bottom. Just like punching a hole in a dike and letting the water run through and bail it back over.

ASSEMBLYMAN BURTON: This last question - what is the name of this psychiatric group that gave you help?

WITNESS: Pico.

ASSEMBLYMAN BURTON: Were they in Los Angeles on Pico Boulevard?

WITNESS: No. It is a Pico Psychological Institute organization. Something like that. I don't know the name. I would hate to misstate it but they are in Chino, located headquarters in Chino Men's Institution. They are also in Deuel Vocational Institution. And they are branching out into San Quentin and Soledad as quickly as they can but they have to fight Custody first. There you have a war between ignoramuses and people who are people and I am on the side of anybody like a human being and that is what they do.

CHAIRMAN CRAWFORD: I want to thank you on behalf of the Committee. I think you can tell by the attention that was paid to your testimony here how valuable we consider it and rest assured that your identity will be protected. Thank you very much and good luck to you. You have done a very fine service.

Lieutenant Wheeler? Will you please identify yourself for the record?

LT. PAUL WHEELER
El Centro Police Department

CHAIRMAN CRAWFORD: You have been asked to testify regarding the problems relating to narcotic law enforcement particularly as the problem exists in El Centro. Will you please tell us what you have and then we will ask a few questions.

MR. WHEELER: If I may, sir, due to the fact that narcotics' situation is such a complex subject, or thing as it may be put, with so many facets, it would be hard to sit here and in a short period of time go into all phases or any retail phases of our problem.

I think the main thing we are interested in at this time is legislative action relative to laws that would assist police officers in their work in investigation and apprehension of narcotic traffickers, users, and addicts. But the basic thing that we are all after is the elimination of addicts, and in eliminating addicts we eliminate the activity on the part of the pusher. As in all business, if you don't have the customer, you don't have the commodity for sale. If some commodity is put on sale and nobody to use it, it doesn't go. So consequently, if we could come up with laws that would assist us in abolishing these addicts, or giving us more power as officers in working narcotics cases, especially in the search and seizure field and some in the rules of evidence field, it would be a big benefit to the officer as well as the community as a whole.

Realizing that we have a tremendous problem and a growing one, we in the narcotic enforcement field stem from the fact that most all narcotic users or addicts, as we call them, extend out into a great many other criminal fields, like burglary, robbery, safe gangs, prostitution, and your big criminal syndicates, are active in it.

Your big fencing outfits are known to be fencing stolen goods and supplies. Consequently, these case decisions handed down like the Cahan decision is cutting our working practices down. We work on the exclusionary rule of evidence in this state. The decision was no change in the law, all it did was make then change their practices and principles in investigative work . . . how they obtained their evidence; how it was presented in court. Consequently we have to abide by the law now.

During the past we could present evidence regardless of how obtained. Now we need a law due to the loophole that has been created. We need law assistance in definite field of narcotics of giving us a wider range of freedom. I am not going to sit here and say that there are not men who would stoop to inferior methods of working or even lying to make a case because that is the human element. We are involved with human element, those on the sides of the agents and on the side of the criminal. But there is one advantage the narcotic trafficker has that we don't have. He spends his lifetime studying every means and method of beating law enforcement and the law. In most all cases, narcotics personnel or people trafficking in narcotics are more cognizant of the exact laws and exact rulings of the law than the majority of the officers working. This may stem from the fact that we have untrained personnel. It may also stem from the fact that we who are capable men to handle this type case are not given a chance to train themselves or the pay isn't sufficient where they can go out in the field as a common laborer.

Even as I sit here before you, I make less per hour on the 8 hour scale, 40 hour week, than the man who digs a ditch. He works 8 hours a day, five days a week, and he goes home. He takes home a bigger pay check than I do. I work 8 hours a day on a regular shift and can show you for the past seven years an average of over 112 hours a month overtime as a police officer. Not all of it is narcotics. No.

We work in the city, being a small town, we work everything from petty theft to homicide. Therefore being from a small area, being unable to definitely set down and work nothing but narcotics, we call on our state narcotic bureau. We work up information. We get ahold of informants. We work them and then we call in a state man. Invaluable to us because they can bring in men that have a small amount of money that they can operate with. They come in and they work our cases for us and the majority of the time, occasionally we will knock off somebody that is in possession.

The case is carried through our own courts by us. It is a small amount. But to actually make your pushers and men who are living by pushing, we have to call in the state agency. If it wasn't for this agency, we would be unable to work the majority of our cases.

Now in working our informants, sure we pay them. A dollar here and a dollar there. We are not able to go out and pay them a regular salary, and keep them employed. But what do you class as an informant? Where do you draw the line? What do you call reliable information? Can you say that the John Q. Citizen who stands on the street corner wanting to be a good citizen tells you something and we act upon it or he comes and tell us and we act upon it?

Is that reliable information in your sense? Is that information by which we can go to the superior court at the trial? You may get by a justice court, yes, but can you get by a superior court where they fight us tooth and toenail? Have you ever sat in the narcotics' trial and heard the officers testify? Where, speaking from my own experience, the last two cases I was in court on, I spent over five and a half hours on the witness stand. I was being tried for the mistakes that I may have made, not for what I did. But by following the rules of evidence, laws of arrest, search and seizure, did I make a mistake? Had I, we would have no case. It is understandable. I could be sued.

Still I make less than the common laborer makes and the guy who is pushing narcotics drives a Cadillac. He lives in a nice home, wears good clothes. He can go home when he gets ready unless he gets knocked off. By the same token if we go out and kick a door in, on information, we have to face the district attorney. What did you do wrong? We have got to sit down and study the law. How far wrong are we as far as the law is concerned? How much time do we have to devote to study? Do we get paid for study? Do we make money according to what we do study?

I myself teach in our state university system at Riverside. I teach here in our local college. One of my subjects is narcotics. The only thing we can do is interest a young man, if he is going to be an officer, or an officer who has been in service for some time, in what to study in the field of narcotics. But is he willing to sacrifice his time, his family's time, and his freedom to work it?

So you come back to this--there are men who want to be narcotics agents, regardless of the salary, hours, and what not, because they realize the problems. Maybe like myself, they have a family growing up. They want to feel that the school their kids go to is safe or free from such. But we know that it isn't.

When you go out and bring an addict, or a pusher, or a person who has been in possession of narcotics to court and the court finds him guilty, sentences him to state prison, withholds his sentence and commits him to the county jail for three months; got out on two years' probation. If he's been using any at all, he knows he's not going to quit that way of life. If you were working in a business where you were making big money and they say we had another depression, took all of your money away and then the government came back and you could make money in the same field again, wouldn't you go back into it? It's the same principle. If you don't have the customer, you don't have the business. But there you are, if you make money in one field and it is legitimate, you will go back into it.

As far as law enforcement is concerned, you have heard testimony that any narcotic user, pusher, or trafficker detests an informant. Some of our best informants are users. Why? Because they are the only people who can get close to the people who use it or handle it, or have it. Consequently if you go into court and say, my source of information is confidential, the court decisions now say that you must reveal it. Sure here in the border area, we have had men killed from it.

We had one just recently. One of our most recent cases was finished up last month. This Romero case here in our own superior court. Three of the four defendants were released and one boy was a victim of circumstances but two of them were not. And immediately upon their release they had learned who the informant was through our testimony in court, although his name was not divulged. The way the testimony was brought out by a cross examination, the defense counsel, they knew who he was.

Immediately upon their release they caught him in Mexico and half kicked the hell out of him. They didn't kill him, no. They probably hurt him a little but he will be all right. But by the

same token it could have been worse. The only thing, these kids are just users. They weren't big money pushers. They were just using a little. Just getting a bang out of it.

We had another case where one of the men on our present jury panel has been known to us for years as a pusher and peddler. Due to the fact that the Cahan decision hit us the second day after we had picked this man up for possessing the marijuana, he was turned loose by our own city. Our District Attorney wouldn't prosecute because of it. We found 51 marijuana seeds on the floorboard of his automobile.

The Cahan decision came out and the District Attorney said we can't go because the car was sitting on the street. We've known for years that the man was trafficking narcotics. Information after information had been received. We were too sharp to move in on just cold information. It had all been late. So we found his car parked on the street and my partners looked in the automobile when the man is away, found his seed, so we sat in the car. When the man comes back, kick him off.

Cahan came out so the man is still free, or correction, he has now been picked up by the Los Angeles City Police. I don't know the outcome of the case, but that was back just at the time the Cahan decision came out, when that particular case came up.

Another case we had in El Centro alone, the Long case. We searched the house with the permission of the husband and wife. Due to the fact we did not have a matron on duty we left the wife at the police station in jail, took the husband with us. The court gave us a hung jury. She finally copped out to a few marijuana seed that was found in her coat and it was five counts. She was found guilty on one and given, I think, sixty days' sentence counting jail time and three years probation.

Now our question to you, or I would prefer that Mr. Weinberger had been here and maybe he could give us an answer - What do you consider as a confidential, reliable source of information?

CHAIRMAN CRAWFORD: Lieutenant, first of all on behalf of the Committee, although we are attorneys, we are not judges, and I think that you realize that these are the decisions that have been rendered by the various courts.

MR. WHEELER: I understand that, sir.

CHAIRMAN CRAWFORD: And we are vitally interested in the problem and we are here to seek information from the witnesses so that we might better legislate in Sacramento in order to stamp out this evil, to assist in stamping out the evil. We realize, of course, the officers in the field are, as you say, making less than laborers and it takes a great deal of devotion to this task of fighting narcotics for a man to stay in the particular field of endeavor that you and others like you are involved. At a recent committee meeting of Public Health on Narcotics, the statement was made that every high school in California is covered by the distribution system. Does this condition exist in this vicinity? Are narcotics and dangerous drugs and marijuana available to high school youths?

MR. WHEELER: Very definitely, sir.

CHAIRMAN CRAWFORD: Do you have any suggestion as to possible legislation which would assist in, beside fighting the addicts, is there anything that we could do to assist in fighting this evil?

MR. WHEELER: We have now a mandatory system of mandatory jail time. I believe that in those cases where there are felonies involving narcotics or wintergreen, or any of the dangerous drugs, where it is a felony that a person instead of being permitted to receive county jail time that he be placed in a state institution. That I also believe and as you understand these are strictly my own beliefs, that where there are cases the persons are found guilty of felonies involving narcotics, that it be mandatory that they do spend state time. And where it is sold to juveniles that the mandatory time be extreme rather than a minimum as they have set it now.

CHAIRMAN CRAWFORD: Are there questions by other members of the Committee? Mr. O'Connell.

ASSEMBLYMAN O'CONNELL: Lieutenant, when you referred to the punishment which in your opinion should be inflicted for use of or peddling of narcotics, your recommendation, I think, is that in all cases the person convicted should be sent to a state institution, which as I understand it means that the offense in all cases be a felony. Is that correct?

MR. WHEELER: No, sir, we have some that are still misdemeanors. I am not going to set a recommendation to a legislative body that they legislate law relative to sentences, or the degrees of a crime. I am certainly not a chemist. I am not a man of profession of that nature. But I do feel that even though they are . . . some of these are misdemeanors, and the use of dangerous drugs especially, I feel that someone who is of a, or is a learned person in this field, should make recommendations because they are learning more and more of the dangerous drugs and more and more of the effects and some of them are more dangerous than are actual heavy narcotics, as we call them, that are felonies. So consequently I feel that when there is a felony case, of course, a mandatory sentence should be a state institution.

ASSEMBLYMAN O'CONNELL: A sentence to a state institution would ipso facto make the crime a felony, wouldn't it?

MR. WHEELER: That is right, sir.

ASSEMBLYMAN O'CONNELL: Do you think that there should be a distinction made as between the penalty for use or sale of the heavy narcotics as distinguished from marijuana and the dangerous drugs?

MR. WHEELER: Marijuana itself is a heavy narcotic, sir, and some of your dangerous drugs as I just stated are more dangerous than your heavy narcotic. Your addictive opiates and that is to the person who is using them. Some addicts of the narcotics, your alkaloid narcotics can be cured for their need for them. But as I understand it and from reports I have read, persons, some of them who have become addicted to your dangerous drugs, cannot be cured because of the damage done to the body.

So consequently I feel that in those fields where they are separated, the ones that are curable or the ones that can be done without, that are not addictive, could be separated from the ones that are addictive and even though they are called dangerous drugs now, be called . . . separated as the distinction between the two.

ASSEMBLYMAN O'CONNELL: Do you think it less a crime, a less heinous crime, to use addictive drugs than to use nonaddictive drugs?

MR. WHEELER: As far as the crime is concerned, I can't say that it is a crime. I don't feel that it is a crime to use the drug in a sense because theoretically speaking, the only person you are hurting is yourself just by the use of it. But by the ramifications in your use of it, has a wide field, a wide latitude has gone into your obtaining it, makes the crime more serious. Consequently I don't feel that there should be any separation made between a person who is using it and the person who is normally selling it, other than when a person who is caught selling to a juvenile.

Do you understand my meaning . . . that when a person who is a user is using it, his habit grows and the average habit being around \$40 a day, and we have heard of several that run around \$110 a day, and when a person gets up above a \$40 a day habit their ability to cope with the normal things of life or hold a normal job are gone and the longer they are addicted, the more their morals drop; the more the morals drop, the less likelihood it is for them to be able to return to a standard of living that they formerly were before they became addicted, or began to use it.

ASSEMBLYMAN O'CONNELL: Do I gather then that these addicts who are not pushers commit other crimes in order to be able to afford the habit and for that reason do you think that they are just as much criminals as the people who are actually pushing the stuff?

MR. WHEELER: I do.

ASSEMBLYMAN O'CONNELL: Couldn't you punish them for the other crimes that they commit?

MR. WHEELER: They can be.

ASSEMBLYMAN O'CONNELL: And not for the addiction itself?

MR. WHEELER: They can be, yes.

ASSEMBLYMAN O'CONNELL: Wouldn't that tend to equate the whole problem and to make a sharp distinction between the crime of using and the crime of selling to others?

MR. WHEELER: Theoretically speaking yes. But 90% of the time when you take a case into court like we had one here, the Chino Rodriguez case . . . At the time my partner worked the case up and we made the arrest, we cleared up some 13 local burglaries and not counting those that he wouldn't admit. Many of them we could tie to by his M.O. in this area alone. But then we also recovered several thousand dollars worth of stolen property from other areas, so all in all the man is a criminal created by his need for narcotics.

ASSEMBLYMAN O'CONNELL: Was he indicted?

MR. WHEELER: He was.

ASSEMBLYMAN O'CONNELL: For what?

MR. WHEELER: Possession of a firearm, by narcotic addiction, and I believe we filed six counts of burglary at the same time, sir.

ASSEMBLYMAN O'CONNELL: He could be sentenced to the state prison for the burglary offense, could he not?

MR. WHEELER: He could be.

ASSEMBLYMAN O'CONNELL: Even as your conviction, or your indictment should fail on the narcotics count, because of the exclusionary rule, then you would still have your man, wouldn't you?

MR. WHEELER: Theoretically speaking, but under the narcotics cases where using a search warrant which was very . . . it held us up for four days and we actually missed, I believe, about six ounces of heroin from out of his house and several firearms that he had stolen here in this area. In other words, in the six days from the time the sergeant first started the case until we had obtained our warrants, and our search warrants and all this information, this stuff had moved out. Had he been able to move upon his first information, although it was not the first information, I mean the first hot information that he had, had he been able to move at that exact time, he would have taken six more ounces of heroin out of the market and probably recovered several hundred dollars more with stolen property.

That is our biggest problem through these users, so much as the loss of property. About the only crimes that I have found that the addicts weren't involved in are checks and they may even have started that field, and sex crimes. You have a few that are tied back to addicts but normally they are from sexual deviates themselves. They may be users or they may not be.

ASSEMBLYMAN O'CONNELL: Is there a greater problem in the enforcement of narcotics laws in Imperial County than there is in the rest of the state?

MR. WHEELER: I am not going to sit here and quote statistics to you, sir. Here is where we are handicapped though. We have an excessive amount of narcotics, that is true. Probably going through here more than we have locally. But due to our inability to work it as local officers being known by every pusher and active person in narcotics, we have been unable to work it as regularly or as closely as some of the larger cities are. And being handicapped by manpower and money, we are still cut further back, but we feel that we do fairly well with what we have.

ASSEMBLYMAN O'CONNELL: Do you think you have more addicts than pushers in Imperial County in proportion to your population than the other counties do?

MR. WHEELER: No, I don't believe so. We may be close to some of the outlying counties, probably ahead of a number of the outlying

counties such as the outer edge of San Bernardino County, but you take Los Angeles, San Diego County, and some of the larger heavier populated areas per capita, they have, in my opinion, more cases due to the fact of the population, the more people needing it and using it.

ASSEMBLYMAN O'CONNELL: Thank you very much.

CHAIRMAN CRAWFORD: Mr. Francis.

ASSEMBLYMAN FRANCIS: Lieutenant, you have mentioned that you were going to recommend to your legislative committee that certain desirable legislation be introduced. Were you referring to the sheriffs' and peace officers' association?

MR. WHEELER: I don't remember having recommended that, sir.

ASSEMBLYMAN FRANCIS: Perhaps I misunderstood you.

MR. WHEELER: I believe you have, sir. I didn't say that I was going to recommend it. We are stressing as officers to have certain legislative measures put into effect relative to the narcotic laws as you probably know and are well aware of. We feel that we need a wider latitude of freedom in being able to work this. Although I realize that there is a definite human element involved and there are times when an officer in his anxiety to make a case may go out on a limb, and I am sure that in the not too far distant past that has happened a number of times.

As I believe Mr. Quick testified this morning that we are now bound by some decisions that were made back in the prohibition days when the agents were untrained and we are still held to that. Whereby if there were certain changes made in the laws giving us this freedom and particularly in narcotics that we could bring it better under control.

ASSEMBLYMAN FRANCIS: The reason I asked you that question is because you have made certain statements that more or less corroborates the recommendations that were made by Captain Thomas, he was heard this morning, to strengthen our narcotics' laws by providing stiffer and harsher penalties and also mentioned one provision such as mandatory jail sentences and increase in certain narcotic offenses to felonies. And during the last general session with the State Legislature there were seven bills introduced for that purpose in the State Assembly, all of which were referred to the interim committee of which this committee is presently studying.

Because of very strong opposition that was presented by the Sheriffs' and Peace Officers' Association and the District Attorneys' Association on the very weak and frivolous grounds that it would make it difficult to enforce, and you are having too much trouble enforcing the law at the present time, in addition to the inadequacy of the present facilities.

Do you think there is any way that this committee will be able to recommend certain legislation in that regard without having to face this same opposition that we had a year ago?

MR. WHEELER: We realize that in making the penalties heavier that it makes it that much harder to work in narcotics case under our present laws, especially the laws of arrest, search and seizure, and our rules of evidence. But if we were given a wider field or wider latitude in these, I mean without discretion, that we would have a rougher time in a sense of working it, but we would have less activity in the field due to the use of stiff sentences.

ASSEMBLYMAN FRANCIS: Could you tell us by any statistics that may be available to the law enforcement agencies just what percentage of the population use narcotics in the State of California?

MR. WHEELER: Do you mean known or recorded?

ASSEMBLYMAN FRANCIS: Let us have both. Let us have first those that are recorded or known, and secondly what your personal opinion is.

MR. WHEELER: It will be strictly a personal estimation and the federal government now has a form that they put out or have had for a number of years which we send to San Francisco. When we pick up an addict who is an admitted addict, we fill out this form and mail it in to them. About 75 or 80% of the people will not admit that they are an addict, that are arrested for use of narcotics. "No, I am just chipping around with it." The consensus being that they don't want to admit or won't readily recognize their addiction, so consequently I would say that not over 10% of the known addicts or people who are addicted are known, actually known. Now that is my own estimation, sir.

ASSEMBLYMAN FRANCIS: What percentage of the population is known?

MR. WHEELER: I actually don't know. There is, the known addicts on record are available. Those records are available in C.I.I. but I don't happen to have the report at this time.

CHAIRMAN CRAWFORD: Mr. Francis, at our next meeting we will have Mr. Barrett in from the C.I. and I. subpoenaed for that information.

ASSEMBLYMAN BURTON: One problem that concerns us in the area of mandatory sentences or mandatory felonies is this--in our respective communities, numbering among the most responsible of citizens, are those serving on the judiciary. Normally they are trained attorneys, who have practiced their profession for a great length of time with distinguished service and we make them judges. In making them judges we make them judges because we assume that they are able to exercise responsible and mature judgment in light of the interests of society

Therefore many of us are reluctant to make certain crimes be mandatorily felonies when we believe that the judges by and large are well able to make that decision for themselves where they think in a given situation, after conviction and with the presentence report that they can determine whether a crime should be designated a misdemeanor or felony.

Now once the judge has decided it is a felony, then the other areas concerning many members of this committee, is this. We have

an Adult Authority of trained penologists and the most learned men in this area. Life magazine, I think, referred to our Adult Authority as perhaps the finest in the country. We have this group of trained penologists that sit down after the judge arrives at the decision that it is a felony and passes an indeterminate sentence and the Adult Authority determines in light of the man's rehabilitation what the penalty should be after he has served a given length of time in jail.

Most modern penologists have stated that this is far and away the most enlightened method of administering justice and punishment, and, of course, though we recognize that it solves many problems apparently by saying, "Let's send everybody to jail at least ten years", some of us think that it makes a little bit more sense if we have a sentence that is indeterminate, one to twenty, and let the Adult Authority decide in each given special case whether the man has responded to treatment or not.

I wanted to mention that to you because that is one real problem for consideration that many of us waive when we discuss mandatory sentences. It sounds very simple but in the long run penologists have determined it doesn't necessarily work out the best for all of us.

MR. WHEELER: We realize that as officers, of course, sir. We also realize this that there is always the human element involved in contacts between the courts, the judges, and the cases as they go. The most emphatic thing we realize is that we are not able to go into court and present evidence, nonrelevant evidence at the time of the trial which the court does not have access to at the time it is passing sentence. That is, evidence of prior activities at times or some of the things that he has done as an addict. The only thing that we, as you know, are able to present at his trial are those things involving the case at the time of his arrest and you can use some of them to show prior knowledge only.

ASSEMBLYMAN BURTON: In other words, it is your testimony that after conviction, but prior to sentence, your judges do not get a presentence report?

MR. WHEELER: They get a presentence report, sir, but the same type of report basically goes to our Adult Authority. Am I correct?

ASSEMBLYMAN BURTON: That is right.

MR. WHEELER: As an officer and speaking for myself, and I am sure of many other officers who work in the field, do you conclude it conceivable that we could write notes and expound to the extent of most of activities in any one individual case? Many of us have to do our own typing, our own report writing. Sure, that is one of the fallacies of our present government. We don't have enough money. That is understandable; we know that. But by the same token, these things could be taken into consideration definitely by a court, I feel, in the sentencing of a person of this nature.

ASSEMBLYMAN BURTON: Wouldn't you say this, that not only in this community but in many of the others that if an enlightened citizenry equipping the police department of law enforcement agencies with adequate personnel, paying them a salary that will insure them

trained men, is another effective step in addition to anything we might do on a state level. But on a local level, one effective step we could take is giving the local law enforcement agencies adequate well-paid personnel so that they can be trained in their field and better equipped to protect the respective local communities.

MR. WHEELER: That in my opinion would be one of the first steps to take, sir. Now we have a State Bureau of Narcotics. They are undermanned and that is understood, that we don't have the money. We can go and build big parks; we can build enormous housing projects, but we can't put up the money for officers to be a definite deterrent to this type of personnel.

CHAIRMAN CRAWFORD: Lieutenant, I have one question. Is there any educational program in the local schools to warn the young people about the perils of narcotics?

MR. WHEELER: I believe in our local El Centro High School, our biology class teacher has a short program. It is only during their biology course that they have this, and for the past several years I have been in the school myself and been with the class four hours out of one week. In other words, take four days one hour at a time and join the class and go over narcotics with the class. I am sure that many other officers have done likewise in our own area. But as far as I know now, there is nothing taught, rather a course in either sex crimes or narcotics.

CHAIRMAN CRAWFORD: Thank you. Are there any other questions? Mr. Thelin.

ASSEMBLYMAN THELIN: Lieutenant, I am interested in finding out more precisely what your recommendations are in regard to the use of illegally obtained evidence in these narcotics cases. Do you feel that we simply should change the law so that such evidence, if relevant and material, would be admissible no matter how obtained? Or do you feel that the solution would be in perhaps defining what is illegally obtained evidence, something of that nature? What are your feelings in that respect?

MR. WHEELER: I don't think there is any question on what they would call legally obtained evidence, as any evidence that is obtained by legal action where any illegal act on an officer's part makes any part of his evidence illegal. Am I correct?

ASSEMBLYMAN THELIN: The question always is, is the action legal or illegal.

MR. WHEELER: That is what I mean. Is my action legal?

ASSEMBLYMAN THELIN: Do you think the law is too vague in that respect?

MR. WHEELER: I believe so, and I feel this, that if they could give us a more definite answer or more definite meaning than the words "reliable information" and a more definite meaning to "reasonable cause" whereby giving us something definite to work by. We realize it has broad latitudes and it is very hard to pin it down, but our own penal code is very vague in those two particular things.

ASSEMBLYMAN THELIN: Are you familiar with the recent decisions of the court? I say recent since I mean Cahan decision, which they have tried to spell out in various problems in this field.

MR. WHEELER: I am.

ASSEMBLYMAN THELIN: Do you feel that they are making progress with the case decisions? Or do you feel that is not much of an improvement?

MR. WHEELER: Each time they came out with a new decision, we had to change our methods of operation. As you understand, there are so many facets to this thing that you can't work the same man five times on five separate cases. In other words, you pick him up the first time and you catch him doing the same thing again; it will be a different set of facts. Everytime thereafter it would be different. It is not like a robber or a burglar, so consequently his M.O. changes, and from one customer to the next, for from one day to the next.

Consequently, I don't believe that the evidence should be illegally obtained without discretion. But I certainly feel that where, if they could give us a definite rule of thumb as far as reliable source of information or establish definitely what reliable information is without any question in a man's mind, that that officer could act more freely with that definite answer behind him. He would feel that--I am not walking out in the field by myself because if I am wrong they are going to cut my ears off, but if I am right, then everybody is behind me.

The point is that if he had something definite to work from, something that is, as I say, a rule of thumb in black and white, he could feel secure in his own actions.

ASSEMBLYMAN THELIN: About two years ago the Subcommittee of the Judiciary Committee conducted extensive hearings in regard to the Cahan decision and yet at the last general session, that is last year, I don't recall any legislation being introduced on the particular problem. We did have a statute on the law of arrest, of course, which was passed, but this doesn't take care of your problem here.

Do you know of any peace officer group, or any organization of law enforcement officials, that is planning to present legislation on this particular point?

MR. WHEELER: The only thing I am familiar with is the fact that W. Thomas was working on a situation where, asking for stronger laws relative to our dangerous drugs, and as I understand, one thing did come into effect. Right at this time, I am not familiar with any of the activities of any groups other than our own local officers in our own group or the State Bureau of Narcotics. We are all involved in a very serious problem and the magnitude seems so great that you are like trying to climb a mountain without any assistance at all. Consequently, we are turning every way we can to get help for whatever we need or should have to be able to overcome this.

ASSEMBLYMAN THELIN: Thank you very much.

CHAIRMAN CRAWFORD: Mr. Burton.

ASSEMBLYMAN BURTON: Would it help if we passed legislation whereby the local community would be required to put up a bond that would indemnify the local peace officer from personal liability in the event he made an arrest that was illegal?

MR. WHEELER: I don't believe so, sir, that would be unfair to an officer. He himself would not make an effort to study his activities. He would act without discretion.

ASSEMBLYMAN BURTON: There was a bill introduced by the peace officers requesting that the Legislature, at least under some circumstances, stand in back of the arresting officer in the event that his activities were found by a court to be illegal. Some of us feel that this is one way to protect peace officers, at least under limited circumstances so that they will not be torn between this problem. They go into a situation and not sure the evidence they get will stand the test of the judges permitting it to be in evidence and yet at the same time run the risk of perhaps being subject to an unlawful arrest action against themselves. What is your feeling on that?

MR. WHEELER: At a limited extent, I certainly feel that you are correct, but we are still faced with the problem of these officers, our officers, and when they are sworn in to be officers, that is their job. We realize it.

We have men who work as officers only for a paycheck. We realize that there are some men who are using the thing as a place to coast or take a vacation.

The attitude has changed considerably over the past several years and consequently our schooling system, as far as officers are concerned, has grown, but I feel to a limited extent that this backing by the state would be very helpful.

In those cases, especially narcotics cases, where the officers are acting upon a moment's notice, the bad part about it, the police officer's position is this, that he has a split second to make a decision between right and wrong, where a court has hours on end and all evidence possible in front of them to make a decision. Maybe I am making a plug for the police officer more than I am covering the point that we are involved with, but that is one of the things that is happening to us as officers.

CHAIRMAN CRAWFORD: Thank you very much, Lieutenant Wheeler. We appreciate your coming here to give us the benefit of your advice.

Lieutenant Santos. Lieutenant Santos is from the Brawley Police Department and he is here to answer questions relating to problems in the narcotic law enforcement, particularly as the problem exists in Brawley.

SERGEANT JOHN SANTOS
Brawley Police Department

MR. SANTOS: Mr. Chairman, I would like to make a correction in that title. I am only a Sergeant.

CHAIRMAN CRAWFORD: Let us hope that it is changed.

MR. SANTOS: I am in charge of investigation of the Brawley Police Department. Narcotics are not my specialty. They are only a small portion of my job. Just as Lieutenant Wheeler stated, we work for a small community and we have to take care of all the investigations.

But in the field of narcotics, I believe one of the questions was - are we confronted with a serious problem? I feel this way - I have two boys; I have four brothers; and I feel that if one of my boys, or one of my brothers was an addict or a pusher, to me that would be very serious and I believe that would be to any father or mother. Therefore, I believe that even if we only have two or three in a community, it is a serious problem regardless, because the old saying says, "You put one rotten apple in a sack and pretty soon you will have them all rotten." It is very true.

We are out here to create a deterrent for that. I believe one of the questions came up awhile ago as to - if a man, an addict for instance, goes out and commits a crime in order to fulfill his desires of buying narcotics and gets himself shot . . . if he goes out and commits a crime, he can be prosecuted for the other crime. I believe at this our meeting today that it is to find out a solution for narcotics.

I feel that before I would let a person get addicted to narcotics or any other drug and make him go as far as to commit another crime when we can stop it before he started to be an addict, under that condition, I believe that the narcotic addict with one exception, the joy popper who is just a starter, perhaps he starts at the age of 14, 15, I believe that addiction, as well as the use of any other dangerous drugs, marijuana, heroin, cocaine, or any other hard drug, should all be punished as a felony. I believe that a stiffer sentence, stiffer punishment would create a deterrent to the problem of narcotics in the state, because I don't believe that a narcotic addict should be any different than any other criminal for this reason. This is because a narcotic addict under the influence of narcotics or any dangerous drug would mostly do anything, just like Chief Thomas stated this morning, for instance as a person under benzedrine, a truck driver. I think he quoted several cases where people had been killed over it. The driver or the person who committed the crime didn't even know it.

Now take for instance a party that steals a car, the officer picks him up at the next corner, he only drove it a block away; he would have to go to the penitentiary, yet he didn't injure anybody. But yet a man, sure he kills somebody, so he has to go up for manslaughter, yet probably the dangerous drugs being a misdemeanor, it is all forgotten. But the origination of it to the dangerous drug or the narcotic, or whatever he was under the influence of, and that is one of the reasons I believe it should be taken as a felony and should have stiffer punishment for it.

Now as far as the question of legality of evidence, picking up evidence, I think that the Cahan decision almost stopped an officer from working narcotics. I remember when I first started working in the Brawley Police Department nine years ago, the first two years of my work there we made several narcotic cases. Why, because any party that comes out and tells us that there was somebody that they

overheard saying that they had some marijuana or heroin, or any other type drug, well we based ourselves on a reasonable cause. Perhaps that wasn't a strong enough cause, but the Cahan decision was not in effect yet. We would go out and stop a party and ask him whether he had narcotics or not, shake him down. Of course, we as officers should use our own judgment as to whom you are going to shake down. If it is a person that you never would have suspected, a person that has been living here for years and never had any record whatsoever; if it is a man or woman that has a family, you have to think, of course, if you had information, you had rumors on him. Usually the party that you are informed of, you usually have a rumble on it, or you have some kind of information.

Therefore, we make several cases under those conditions that after the Cahan decision arose, we were practically at a standstill, because the addicts laugh at you. You can't stop them down the street. If you did stop them, I believe as Mr. Burton stated that there was some backing as to whether you get the evidence legal or not. That is very true but that doesn't help the morale of the officer whatsoever, if you pick up a fellow that you know has narcotics on him or was using it. Perhaps he is the party that was going to induce your own child to it the next day.

You pick it up but it was illegal so they turn him out - free because you didn't obtain it legally. I don't believe that that is right because you know definitely that he is committing a crime and it is a serious crime that everybody is confronted with, especially the problem of juveniles.

I believe it was stated awhile ago, Lieutenant Wheeler said it, the schools have an available source of narcotics. It is true. A lot of schools, I believe that practically all of the schools can get it. Whether it is an active party at every school, I couldn't tell because narcotics is one of those things that you don't have informants like in any other crime that is reported to you. If they report it to you, they usually want you to meet him behind a house or behind a garage. It is not like the other people that say, "Well, look I just got a burglary come out here and check it." That is the reason we can't tell as to how many narcotic addicts there are or how many pushers there are because we don't know these things. As I said, it is very true, a lot of schools have been corrupted through the state by the people that want to make an extra dollar which I think is a very, very bad situation.

Now the problem of disclosing your informants or the party that gives you information, I go along as Mr. Quick said, an informant, it depends on the type of person it is. I think we all as citizens, even we as officers, it is true, we are no different than anybody else. But the common ordinary citizen that stops to think about it, he says, "Well I am a citizen of this community. I want to do my duty for the day. I want to see that this community is clean." They call us up and tell us something they learned. I guess in a sense of speaking, they are informants. They are informants with no other profit other than their community and their children and there is the type of informant that comes out and asks you if you want some information, they would like something in return.

Even on a family argument, I don't know whether any of you fellows has ever been confronted with it or not, but even in a family argument you go to the party that makes the telephone call and say "There is an argument next door, but be sure and don't disclose my name." Even an insignificant problem as that, they don't want their name disclosed, because the neighbor maybe the next day would say, "Hey, you so and so, you called the police yesterday" and at least would cuss him out. I don't think through one case we should start a chain of reaction by disclosing the name. Not only that but just like the statement was made here that it is dangerous for themselves as the informant, as well as their families, and it is an awful bad record for the police officers themselves because he will never trust him again and never give him anymore information.

I don't think that disclosing the name of any informant or any information that has been entrusted to an officer is the right thing to do because, it is just like I told Mr. Cook, if that ruling has to go into effect and that penalty has to be exercised in courts, I believe that you might as well stop working narcotics or any other thing for that matter.

CHAIRMAN CRAWFORD: Sergeant, with relation to the Brawley area, are you troubled more with the heavy narcotics or the marijuana?

MR. SANTOS: Right now, marijuana and heroin, which are the most dangerous ones there are. Marijuana is an old-time narcotic that has been used, but lately the use of heroin has been developed. More and more I think that youngsters of 15 and 16 years old are starting on it. Naturally lots of times we don't catch them until they are 18 or 19, which our records show that all the arrests that were made, were made between 18 and 25. Very, very few older people have been known to be users. Of course, the older people are usually the pushers and I do believe that the pushers should get a stiffer sentence. But under all circumstances, all narcotics should be taken very seriously and should be dealt with by strong sentences.

CHAIRMAN CRAWFORD: Sergeant, from your testimony then the narcotic arrests being made between 18 and 25, that would indicate that there has been an increase in the number of young people who are experimenting, or who are becoming addicted to narcotics, would it not?

MR. SANTOS: Not necessarily that it had increased, just probably are not caught at the early stages. That is another thing that I was thinking of. As far as juvenile law is concerned, my suggestion would be, personally I believe, that if any juvenile under the age of 18 is caught and is suspected of any narcotics, I am referring to one of our most recent cases, a boy of fifteen had several needle marks and I don't believe that he had been to a doctor and if he had been to a doctor, I don't think he would have injected in the vein right on top of the wrist. That boy is loose in Brawley right now. Loose on probation.

I feel that a boy like that that is starting, in order to give him a fair chance to be a decent citizen, I would think that he should have been sent to a state institution of any kind, either a hospital or rehabilitation place where they could rehabilitate him and get him away from using narcotics because now is the time to

get him away from it, because he is just starting and I know that he went right back, because of this. Not long ago, I believe Chief Thomas will bear me in this, we had a boy down there, we picked him up for possession and addiction. He was driving a semi-truck in fact. We had to put our car in front of him for him to stop. He stopped. He ran away from us. We found him after a chase. We picked him up, came into jail, posted bail. I believe that three or four days, maybe a week later he had an accident. Possibly there could have been a fatality. Luckily there wasn't. He was out on bail. He was under the influence of a narcotic and therefore he committed another felony, driving under the influence of narcotics.

Consequently he plead guilty. But did he go back and rehabilitate because he was picked up two weeks before, or ten days before? No, he didn't. He went out and got higher than a kite. He almost committed a fatality.

My experience has been that all the narcotic addicts and pushers that I have arrested in the past nine years, I have as yet to mention you one that has rehabilitated and has not gone back to it. I have known boys, not in my city, I was raised in Brawley, I know almost all the Mexican boys, part of the white boys, in fact a lot of people in Brawley. I have known boys there that have been as many as six times in the penitentiary, federal and state, and they have not rehabilitated yet.

CHAIRMAN CRAWFORD: Mr. House has a question.

ASSEMBLYMAN HOUSE: Sergeant Santos, what are you doing to educate or inform the young people of Brawley as to the dangers of using the drugs?

MR. SANTOS: There are three officers, including myself, who have been out to different places, that we are requested only because we don't have the time to be just in different places talking to people because, like Lt. Wheeler stated, we are usually shorthanded in the police department and the problems we have to take care of in the city are great numbers which don't leave us any time to be in different places every day, or every hour of the day, and every day, so we do it only by request.

ASSEMBLYMAN HOUSE: Do these requests come in from churches or schools, or could you tell us the nature of requests?

MR. SANTOS: Most of them have come in from churches. Last night I was approached on a school talk and they are making preparations to request through the proper channels to make a talk on the schools. And I believe that would be the second or third talk if it comes to a head.

ASSEMBLYMAN HOUSE: But you only go out when you are requested?

MR. SANTOS: We only go when we are requested for that reason because we don't have enough men to cover everything. We don't even have enough men to cover as a patrol. As far as investigation is concerned, like Lt. Wheeler stated, that in the nine years that I have been working there, I think I have put enough overtime to take a three year vacation and I don't think I'd be repaid for it.

ASSEMBLYMAN HOUSE: I am sure that is true and I know that you do a lot of work on your own time.

MR. SANTOS: Of course I don't mind it as long as it is something beneficial for the people. It is true we are public servants, but I think we are treated more than public servants.

CHAIRMAN CRAWFORD: Sergeant, the question has been raised - do you believe that your particular problem with marijuana and heroin could be connected with the fact of your close proximity to the border?

MR. SANTOS: I couldn't tell you. No. It is very true that a pusher would not have too much of a profit actually in the valley. I am not saying that there are no pushers in town, because there are some pushers, no big pushers because after all the big pushers couldn't sell it around town. Not around this close to the border.

CHAIRMAN CRAWFORD: You mean the addict would go across the border?

MR. SANTOS: The addict could have the narcotic available to him at any time in Mexicali and they can get it a lot cheaper.

CHAIRMAN CRAWFORD: Are there any questions by members of the committee? We want to thank you very much, Sergeant Santos, and apologize for giving you a higher rank, but we hope that that will occur. Thank you very much for coming and giving us the benefit of your testimony.

This concludes the testimony of the witnesses who were scheduled. I want to thank those of you who have appeared here today. Also, I note that there are some citizens of this area who were interested enough on this particular problem that they came down here to hear the testimony themselves. I think it is commendable and I am sorry that we did not have more individuals here.

Our next meeting will be held in San Diego at which time any requests made by members of this committee as to particular witnesses or as to testimony will, of course, receive due consideration.

ASSEMBLYMAN HOUSE: Before we disperse and disband and go to our homes, I would like to thank the members of the Judiciary Subcommittee of the Assembly for coming down here. We had a very fine presentation. At one time, we had nine Assemblymen here today and I especially want to thank Chairman Crawford for inviting me to come down and participate to this small degree, at least, in this hearing and I think that the hearing has been very fruitful and I hope that you gentlemen will come back.

I also would like to add my thanks to the witnesses and especially to Lieutenant Wheeler and Sergeant Santos, who have been very patient and waited all day. They were here at ten o'clock when we started.

Before I forget it, I would like to thank the Farm Bureau for the use of this nice room and also the executive secretary, Mr. Stadler, and his secretary, Mrs. Sessions. I hope that we will leave the room in as good a condition as we found it, reasonable wear and tear excepted.

CHAIRMAN CRAWFORD: Assemblyman House, I want to assure you that we have found that the hospitality of this particular area in affording us the opportunity to use this hall, the availability of the witnesses, has lived up to our expectations as to what we expected from your activities in Sacramento.

We know that you are a hospitable, friendly, devoted servant of the people of this area and we expected the same thing and we were not disappointed.

The hearing adjourned at 5:05 p.m.